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खण्ड Volume I

# भारत सरकार GOVERNMENT OF INDIA गृह मंत्रालय MINISTRY OF HOME AFFAIRS

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अनुभाग Section टिप्पणियां/पत्राचार NOTES/CORRESPONDENCE

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SUBJECT

Advocate, High Court, Calcutte

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Criminals

veg Netaji Subhash Chendra Rose

Letter from Rudra Jyoti Bhattacharjee

Indexed on

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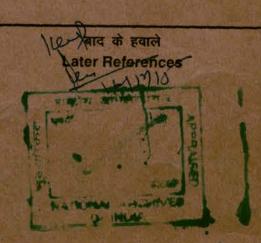
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पिछले हवाले Previous References



Rudra Jyoti Bhattacharjee

B. Se., D.B.M., M.B.I.M., LL.B.

ADVOCATE Chamber: 23 DE 1/B OLD POST OFFICE STREET 3rd Floor Room No. 22 5-No.1(Q)-ave **High Court, Calcutta** Calcutta-700 001 Bar Association Room No. 2 ©248-4127 Min joses v 248-3190 Residence: 248-5579 FLORA PARK, GOALTULI Dated \_\_ P.O. & Dist. Hooghly Pin. 712 103 © 80-3634 By Read Post To: The Minister-in-Charge Home Affairs, Union of India, Central Secretariate, North Block, New Delhi - 110 001 Sir, As responsible and patriotic citizens of India we have right to know the important historical events relating political, social and economic developments motherland. It is equally most sacred duty of every citizen to gather knowledge about the historical personalities who are responsible for moulding the destiny of their motherland. Perhaps in this mission Netaji Shri Subhas Chandra Bose is second to none. It is for Shri Subhas Chandra Bose, British Left India after transferring political power to the hands of Indians. If the entire facts and circumstances of the mysterious disappearance of Netaji Shri Subhas Chandra Bose revealed, our above mentioned contention would be proved beyond any shadow of doubts. Only the collaboraters of the imperialist, fascist and communal forces may disagree with So, it is considered most important by responsible and patriotic citizens of India to know: Whether the name of Netaji Shri Subhas Chandra Bose was and still is in the list of "WAR CRIMINALS" declared and/or drawn by United Kingdom, United States of America and their allies, including the then British India Government after the Second World War. ...02

: 02 :

- (ii) If his name still exists and if they request the Government of India to hand him over to them, if he is found on Indian soil, for being tried as a "WAR CRIMINAL", whether the Government of India will have the obligation of handing him over to them for the aforesaid purpose;
- (iii) Whether the declaration made by the Allies in regard to "War Criminals" has nothing to do with the Government of India and if so, whether the Government of India would state categorically that the declaration in regard to "War Criminals" does not bind this Government.

It may be mentioned here for your information and convenience that:

- (a) Late Shri Suresh Chandra Bose, elder brother of Netaji Sree Subhas Chandra Bose, as a member of the Netaji Inquiry Committee (1956) in a letter dated 2nd April, 1956, asked the Prime Minister Pandit Jawaharlal Nehru to clarify: "Whether the name of Netaji Subhas Chandra Bose was and still is in the list of War Criminals drawn up by America and her allies". Pandit Nehru conspicuously remained silent over this vital question and Pandit Nehru, in his life time, never answered this question for the reason best known to him.
- (b) Appearing before the Netaji Inquiry Committee (1956), headed by Shahnawaz Khan, Late Mathuramalinga Thevar, Ex-Member of Loksava, asked almost identical question to Shahnawaz Khan. The reply of Shahnawaz Khan was:
  - (i) "The Granting of India is not in possession of any information (whether Netaji is still a War Criminal). This information lies with the U.K. and U.S.A. The Government (of India) cannot issue categorical statement in regard to this question (whether the Government of India would state categorically that the declaration in regard to War Criminals does not bind this Government)".

(3)

: 03 :

- (c) In reply to the submission made by Shri Niharendu Dutta Mazumder, Counsel of Late Shri Suresh Chandra Bose, before Netaji Inquiry Commission (1970), Justice Khosla, Chairman of the Commission, pronounced on 21st January, 1971: "With regard to the statement I made in Delhi that Netaji's name should not go on any WAR CRIMINALS LISTS, that of course, will be proved in due course and I trust to your satisfaction."
  - (i) In spiite of his pronouncement, twice, in course of Netaji Inquiry Commission's proceedings Justice Khosla did not and/or could not satisfy the counsels and the Citizens of India at large, producing documents which would have proved that Shri Subhas Chandra Bose's name was and/or is not in way way War Criminal's Lists. There is not even a whisper about this in his findings.
- (d) Mr. Surenji Goyal Retired Air Vice-Marshal, Indian Air Force, by and through a letter dated 15th February, 1997 to the Secretary General, United Nations Organisation, seeking his intervention against dubbing Netaji as War Criminal. In reply to the said letter the Executive Office of the Secretary General communicated to Sri Goyal by and through a letter dated 1st May, 1997 that "No United Nations Agency or publication would use the term War Criminal in reference to Netaji in the future.
- (e) The said information was widely published in almost all the leading News Papers in India of which, we hope, the Government of India is well aware of. About six months have passed, the Government of India have not yet contradicted the said News.
- (f) We, on behalf of citizens of India, demand a Comprehensive white paper containing all the documents, informations, relating to the Mysterious Disappearance of Netaji Shri Subhas Chandra Bose, since 18th August, 1945.

(At)

: 04 :

In case we do not hear from you within two weeks from the date of receipt of this letter, by you or your office, and if you fail to publish white paper as mentioned above, it will be presumed that there is nothing to contradict by you or your Ministry as reported in the news papers and mentioned in this letter and our suspicions regarding Netaji Sri Subhas Chandra Bose being a 'War Criminal' are true and correct. It will be further presumed and rightly presumed that you are deliberately suppressing the truth.

Yours faithfully,

Rudra Jyoti Bhattacharya)

Bani Brata Das.

(Banibrata Das)

51.70 8 MINISTRY OF HOME AFFAIRS IS(D.III) DESK MEA may please find enclosed a copy of letter from Shri Rudra Jyoti Bhattacharjee regarding whether the name of Netaji Subhash Chandra Bose was and still in the list of war criminals. It is requested that the requisite information may please be furnished to this Ministry immediately to enable us to formulate the response. A Oxx (P. DEV) SECTION OFFICER MEA (Shr. P. Bolekrichnen, S.O. (514)), S.A. Dirision, South Dlock N. Delhi. MHA UO No. VI/11034//8 /97-IS(D.111) Dated: 3.1.98

Devaltment of Logal Affairs
Judicial Section 439 'A' Wing, Shusti Bnavan, New Dalhi-110001. W.P. NO. 08 1998 A Subject : Rudia Tyoti Bhattachargee 4.05 + on. ( trigh court of Calentto ) The Court Notice in original placed below is served upon th Secretary, Ministry of Law and Justice. The subject matter pertain. the Ministry \_ Home \_\_\_\_ Dimerrnens
They may please over the Notice for further necessary action. Parawise comments may kindly be prepared and forwarded to Shirt & K. Chatteyer, G. C.G.A Regarch Seit, 4, K. S Roy Road, Calento. to defend the interest of Gavern of Inula in the concerned High Court. Assistant - Lecal Adviser Tell@36 8431. Sh. M. P. Lingh. A. Seey. Ministry of home steams Diparistate of Jaisalnes Louise New Delhi I.J.No.F.44(1)/96 -Judl.



TELEGRAM: LAWCENTRAL TELEX: 021-4992-LAW-IN FAX: 033-2485215 &

033-406191

Smt. S. Bhattacharya, Central Govt. Advocate

Tel. No. 248-6515 (Off)

No. 11018/62/98-Lit. II /55 Government of India Ministry of Law & Justice Department of Legal Affairs Branch Secretariat

> 4, K.S. Roy Road, Calcutta.700 001.

Dated, the 13th Feb., 1998.

To

Shri U.K. Jha, Additional Legal Adviser, Ministry of Law & Justice, Department of Legal Affairs, 4th Floor, Shastri Bhavan, New Delhi-110 001.

Sub : W.P. No. of 1998 -Rudra Jyoti Bhattacharjee -Vs-Union of India & Ors.

Sir,

The above public interest petition filed by the petitioner to know the true and correct facts about the mysterious disappearance of Netaji Sukhas Chandra Bose on and after 18th August, 1945. The said application will come up for admission before the Hon'ble Justice Mrs. Ruma Pal on 16th February, 1998. We have briefed Shri M.B. Sarkar, Advocate and Shri Sudup Kumar. Advocate. I am enclosing herewith a copy of the Writ Petition with a request to you to refer the matter to the concerned Ministry and ask them to furnish us immediately necessary instructions so that proper submission can be made before the Hon'ble Court.

Encl: As above.

Yours faithfully,

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So, Juell Sh B.S.S. (MAH Legel)

So, Juell Sh B.S.S. (MAH Legel)

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Government of India/Bharat Sarkar Ministry of Home Affairs/Grih Mantralaya (judicial Section) \*\*\*\*\*\*\* Jaisalmer House, Mansingh Road New Delhi-11, the. gh. March. '98 Dy. No. :-S68/98-Jud1. Subject: - W. P. NO. - 1998 96/3 Rudra Jyoti Bhatacharree 239 981 15 211 receipt(s)/papers placed below is/are concern of the Ministry/Department or ... Home Afterns. (Public See.) They may please take over the receipt(s)/papers for further necessary action. above mentioned communication(s) has/have not been acknowledged. (SMT. G. MUKERJEE) DIRECTOR(JUDL) MINISTRY / DEPARTMENT OF HOME AFFAIRS, SHRI YASHWANT RAJ, JOINT SECRETARY (A&PG), NORTH BLOCK, WEN DELHI M.H.A. I.D. NO.23/1/98-Judl. Vol.1 Dated .. 6,

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W.P. No.

(W) of 1998

Subject matter relating to : Amount to refusal of demand

Under Group IX Reed Residuary

of the Classification List :

Cause Title : Sri Rudra Jyoti Bhattacharjas

PRETITIONER

VENSUS

UNION OF INDIA AND OTHERS

Advocate-On-Record

Audra Jysti Bhattacharjee

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High Court, Calcutta

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Bar Association, Room No. 2 ACCOUNTS IN THE NAME OF THE PARTY OF THE PAR

## DISTRICT : HOOGHLY

W.P. NO. OF 1998
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

In the matter of :
An application under Article
226 of the Constitution of
India;

And

In the matter of :
A writ of and/or order or direction in the nature of Mandamus,
Certiorari and Prohibition;

And

Right to know as implicit under Article 21 of the Constitution of India;

And

In the motter of :

with holding of information al w the whereabouts of Hetaji Shri Subhas Chandra Rose after his departure from Singapore in

-161-

in August, 1945 in the wake of the surrender of Japan in the Second world war;

And

### In the matter of :

Right of the people of this Country including the petitioners herein to know the true and correct facts about the mysterious disappearance of Netaji Shri Subhas Chahdra Rose on and after August 18, 1945 and to have the deliberate dissemination of palpably wrong information about him to be stopped and/or withdraw forthwith;

-And

Representation dated 4.9.1997;

And

Representation dated 20th October, 1997 and 27,1,1998;

And-

Representation dated 12.12.1997;

And

Cont des P/3.

-1 3 :-

### In the matter of :

1. Rudra Jyoti Bhattacharjee, Son of Sri Santosh Kumar Bhattacharjee, resident of Flora Park, Goaltuli, P.S. Chinsurah, P.C. & District : Booghly.

2. Bani Brata Das, Son of Sri Baidyanath Das, resident of 408, Kumargoli, P.O. & P.S. Chinsurah, District : Hooshly.

----PETITIONERS

### - VERSUS-

l. Union of India, service through the Secretary, Ministry of Defence, sought South Elock, New Delhi-110 001.

2. Ministry of Ruman Resources and Development, Rishi Aurobiada Marg, Rew Delhi -110 016.

3. Ministry of Home Affairs, Union of India, having office at North Mock, New Delhi-110 001.

4. Hinistry of External Affairs, Union of India, South Mock, New Delhi-110 001.

5. The Asiatic Society, Calcutta through
the Secretary of the said Society having
its office at 1, Park Street, Calcutta
-700 016.
... HESPORD FHTS

The Hon'ble Mr. Pratha Shanker Mishra, the Chief Justice and His Companion Justices of the said Hon'ble Court.

The humble petition of the petitioners named above, most respectfully;

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in the cause for themselves as well as to subserve the interest of the public at large.

about the gallant deeds and mysterious disappearance of
the greatest National leader of international importance Metaji Shri Subhas Chandra Bose and to Anfold the
mystry of his disappearance, have exerted their best effort into the matter and learnt certain facts as described hereinbelow, which are compelling the petitioners to
believe that Metaji Subhas Chandra Bose did not die in
the alleged plane crash on 18th August, 1945 at Taihoku.

ble court for enforcement of the fundamental right as
enshrined under Article 21 of the constitution of India
and seeking relief against breach of such rights by the
respondent authorities by withholding correct informations about what happened to "staji suri Subhas Chandra
Bose on/after August, 18 1945 and by raking up the dead
and stale story of his alleged death in the alleged plane crash at Taihoku on the said date despite full knowledge of the fact that the said concocted story was
part of a deception plan to cover Metaji's escape to
Soviet Mussia through Mancharia in the event of the
Japanese surrander or soon thereafter, as will appear
from the subsequent facts as described herein below.

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The issue is highly sensitive and Indians irresport tive of caste, creed add religion have a strong sentiment about it due to the immense sufferings and secrifice of the greatest revolutionary pilgrim of India Metaji Shri Subhas Chandra Pose . Petitioners have been fighting this issue not for their sentiment but armed with documentary evidence. which no-body could deny and/or was able to nulify the same with any facts and documents, so far the petitioners know, the Government could not submit even an Affidavit-in-op osition against a writ petition being No. 834 of 1995 moved before the Supreme Court of India under Article 32 of the constitution of India. So the present petition is moved wit or entering its legal, reaso nable and possible evidences cited in this writ petition.

5. That on 19-8-1945 one British Inteligence Officer informed Aprik Singh Cill (An arrestee at Red Fort weiting for execution of his death sentence) that Netaji died in an Air crash on 18th August, 1945. An article of Mr. Gill was published in a Magazin maxum from Netaji Centre Publication at Auslalempur and the same has been regrinted in Jayshree Magazine (Bengali) in Azad Hind Wolden Jubilee number Octo-The second secon

- That the Delhi Radio amounced on 21st August, 1945 to the effect that Neteji died in an Air crash on 18th Augu 1946 to the eff as it reveals from the famous book "Springs Tiger" by Hue Toy a well known Millitary Intelligence offic tunger live at of british Army, a depretate would get

Tosidence of Isoda, between Isoda and Subhas Chandra Rome who was accompanied by Major Bhonsle and Lt.Col.Habibur Habaman. The meeting anded before watanabe reached there, Isoda talked without any interpreter. They discussed how Bose could be sent to his destination. That Bose was going to Mussie was more of less known, perhaps it was Manchuria. "

il. Mr. Finney in that measage, informed his higher authority "It was an understood tains in the ambassy and in Mikeri Eikan that he (Bose) was going to band over himself to the Russian in Massia (Ehosla commission-embibit No. Com 28/V)

THE PARTY MADE THERE AND THE PARTY AND THE

file. After recolving the message intelligence team resume fresh interrogation of General December, the team recorded, "What we feared and Gebibur Rahaman, it, General Races and Col. Angues and a meeting with Pose, He also admitted that they discussed how Rose could be sent to his destination, Thompsle further admitted that Hose could be sent to his destination, December action, December admitted that Hose had the intention to go to Mussia. But it appeared that he (December austical was not willing to say much about the matter ampiding related question he only said, if suppody of his trusted men knew anything about the real plan of Metaji then none will say it now". The report was made by it. Col. Mexwright (Exhibit No. Gen/205 before Metaji Inquiry committee).

time Bose arrieved in Saigon. Inode wes also there and this fact may be significant that there was plan on the part of Sikari Sikan to allow 'Bose' to escape and to publish a false

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7. That the Donal News Agency on the 22nd August, 1945 announced the alleged death News of Shri Subnes Chandra Hose in an alleged, plane crash at Teiboka, which was further circulated by Newtor as under to

"Loudon, August 23: The death of Mr. Subhas Chandra Bose is announced to day by the Japanese News Maper Agency. The Agency added that Mr. Bose died in a Japanese Mospital from Injuries received in a Air-crash. He was seriously injured when his plane crashed at 2 P.M. on August 15,1945. He was given treatment in a Mospital in Japan, where he died at

ender union the mileson death allogedly took place are muchy indicative of a secondary to accord to the story. Look of evidence led to different versions based on different breakers of executed on different breakers placed to different versions based on different breakers placed to different based on different bas

3. That efter the elleged news of ir crash at Tainoku, the Dritish intelligence investigated into the matter and collected certain facts and documents as described hereinbelow relating to Metaji Shri Subnas Chambra Pose's plem to ascape to mussia :-

i. Ar. Filmey, the Director of Intelligence Sureau of the British Government attached to Mc-Arthur's Mead Querters at Tokyo, in an urgent message from Bengack, Informed his higher sutherity in India; "On Movember 12,1945 he examined a man named A. Watanabe, who was working as an interpreter in Mikari Alkan, Satanable told him that on August, 15 or 17,1945 he was maked to work as an interpreter in a meeting held at the

residence of inchestation

Blaskeren before the Seteji Inquiry Commission 1970.

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10. Col. Tade, one of the staff officers of the P.M. Teranchi(Supreme Commander, Sayanese South-Sast Asia command) told. "After the ead of the war, when Jopan surrandered. Torquehi took all reponsibilities to help Metaji and asked colonel Tedn to go to Lake Bose (His Execultency Bose) and tell him to reach muscion territory, all bely will be given to him. It was arranged that cheadre lose will fly in the plane in which thisei was going deseral thidel will look after THE REAL PROPERTY. Changra Bose upto Dairen, and thereafter, he could fall back on his own resources to contact Asseines. Aspenese would snow conce to the world that Bose das disappeared from Dairen, that would esselve them from all responsibilities in the eyes of the dilimen

(Froceedings of Sateji Legalry commission 1970) besides, the following secret intelligence deports corroborste Netaji existence in Mussis much efter the alleged sir-Charles Edich at her readely maken whe

> 11. a) Some exerpts from the British Intelligence Report submitted to both Setnji Inquiry consitted 1986 and Setnji Inquiry Commission, 1970 refers to a letter which Subbas Chandra wrote in or about December. 1945 to Webru from Russia expressing his desire to return to Tadia via Chitral (of Eashedr) with the steel of the book to go

> > The Report Says

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SAMPLE A SURFERENCE SEE STORE OF SOURCE

"Mehro received a letter from Pose saying he was in Mussia and that he wanted to escape to India from Mashair via Chitrol ..... it is probable that the letter from Bose

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place for "Isoda (Chief of Mikari Mikan) to put into operation any such plan these are parts of a Colessal and well execute deception manocurre. (N. 6. Mise File 10 Misc. I. M. 1. 279 subjects Submas Chandra Bose, Page 10).

possible that Isoda had come hero (Selgon) to workout and co-ordinate his deception plan with Lt.
Gen. Missta and he stayed on untill his plan had been executed ander his personal supervision. (Secret File So. 63/8/10
G.S.(b)S.C. G.CERA COMMISSION, 18th Cetober, 1845) Lt. Gen.
Isoda (Chief of Tikeri Eiken) The purpose of his (Setaji)
flight was to go to 8 Soviet Union. He was going to Aussia
via Salgon. (proceedingsof Setaji Laquiry Commission 1970).

Wi. "Novever, the Chilesi Seleng had been coupling slive nose with Aussia and in occamber, 1946 a report said that the Government of Afgan province of Maost had been informed by the Aussian Ambaseador in Asbul that there were many congress refugaes in Moscow and Mose was included in their number. There is little reason for such persons to bring Mose into fabricated stories, at the same time, the view that Aussian officers are disclosing or alleging that Mose is in Moscow is supplied in a report received from Tahran. This states that Moredoff, the Aussian, where he was secretly organising a group of Aussians to work on the same line as the 1.8.4. for the freedom of India (Good Quarters Main File 273 1.8.4.)

as I am on the eve of teming a long journey by air and who knows an accident may not overtake me" hydrance of mri in.

arrieved about the time Gandhi made his public statement (Scoret Head Querter, Main File Mise I.M. A. 873 I.M. A. Subject f Subject Subj

This would be also evident from the deposition of Shys misl Jain who was stemographer of Asaf Ali before the Netaji Inquiry Commission 1970. note there in the same present them and and the tention of the box

(b) The Intelligence deport quoted in the Dissentient Report of Late Sur sh Chadra Rose connecting Hose with the North West Prontier of India, mentioned in a letter written by the Presiden of the Frontier Students' Congress which has a bearing on Meteji's whereabouts ....... The Freeldest of the Frontier students Congress whote that Hope was in T.T. and that he -was soing there binself-----the or other transfer of the second of the second of the second

c) The dissentiest deport of Lote Shri Suresh Chendra Pose tue elder brother of Setaji recers to a Sritish Millitary Intelligence Report which Says"the Chilges Releng had been coupling alive Bose with Aussia and ...... December, 1945 a m report said that the dovernment of the Afgen province of Thost hed been informed by the Reseion Imbassador in Kabul that there were many congress defagess in loscow and Rose was included in their number. There is little reason for seen persons to bring Bose Into Fabricated stories. At the same time the view that Musician Officers are disclosing or alleging that Hose is in Moscow, supplied in a Report Pergives from Tehran, This states that Moredoff the Aussian Vice Consul General disclosed in March, 1946 that Mose was in Mussia, where he was secretly organising a group of dussians to work on the same lines a. Land En sales and the as the IMA for the freedom of India, Mussian representatives product the expenses of the summer of the second

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the second party with the second period of the second seco in Tabran and Eabul are the most important objectives in this case as it stands now. "It was in this period that Dyada agat a Secret agent of h.C. N. (Massian Intelligence Organisation) carried Mebru's latter to stalin and left a report to the Aussian Ambassador at Tehran on Dritish India's political scenario emphasizing the predominating role of Forward Bloc as the only true leftist political party. The report referral ed to Jetaji Subbas Chandra Bose as 'the only lender of that period i.e. 1946 with whom does in should make alliance in in als. (decord collected by the deboilers of deletic society from Aussian archives). \* 121 to sanking at Lich

> saistic Society seat three scholars Dr. Porsbi Roy Por. deducated buttego, to and 'rof. Hari decudevan to dussia to coliect materials bearing direct and indirect relevance to luco Musica Pulstionship of the last five hundred years. In connection with this research work Dr. Noy came secress many startling materials hinting at Astaji's emiatence in Augula after 1945. For further enquiry into the netter Dr. Boy had elso searched out such british documents that eventually led her to to Miscow's eschival meterials correberating the establishment of an Ambascy of provisional Government of free India at CHOK (in Siberia) on 22rd October, 1943. Homeom's archival materials related to it say that detail was received by one Mr. Lataksoju as the Azed Mind Sovernment Sabamay at DMSA on sath August, 1945. the feet that the same that the

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and some world it and distributions Taking her one from the report of Colonel Hugh Toy's interrogation of Backin, Sapanese Government's Ambassador to the provisional devenment of Azad Hind, Dr. Furabi doy visited

various Aussian archives for confirmation of the anid a tide in the less meas has eacr's statement that the provisional Government of free India was baying an embessay at OHSE with Estakache as its SCHOOL TONGO TO 10000 **电压性 图示 引化溶液 电记录中本的** head in load. so and their news the said

五世主张 包 Copy of some cliplings published in different daily News TATE TO THE TATE OF THE TATE papars are amounted hereto and collectively marked with the letter " A " of the naturality and the char the char

THE RESIDENCE CONTROL AND SECURE AND SECURE AND SECURE AND SECURE AND SECURE ASSESSMENT AND SECURE ASSESSMENT ASSESSMENT

12. The acttich were examining various elternatives of dealing with detail as a "wor Criminal" after the alleged air crash as would be evident hereafter from the secret correspomission and other documents sublished by Mer/Majesty's Staticoary office in the white paper outitled Transfer of Fower. That His H. F. Madie the then Rome member, Vicaroy's council by TO THE TANK and turnings a top secret note with a covering dates kend Auguet 1985 communicated to Dir Sjanking.in response to his excellency's request a top secret letter dated lith leguet. 1946 in had forwarded a note of suggestions on trial and execution of Metaji Subbes Chandre Boss. **《相》图图图图图** 

> After analysing the pros and cans of all the suggested agasures to punish and to execute or intern Mose, Mir W. Mudie. Home measer, Viceroy's Executive council, prepared a 'Note for the Vicercy dated 23rd August, 1945 finally decided to a PLEAVE HIM WELL BY IS AND SENT ONE FOR HIS BURNERUNG...... IN MARY WATE THE EASEASTEST COURSE HOULD HE TO LEAVE HIM WRIGHT AN IS AND DUST ABLE TO A BIG RELEASE. HE STORY OF COURSE IN CUR-TAIN CINCONSTANCES BE MELCONED BY THE MUGLICUS. THIS COURSE WOLD RAISE PROBET THE DESIGN PROPERTY OF STREET

NA LUIST AND TO CAMBOON ASSESSED. a copy of the top secret letter dated lith August, 1948 and Eard August, 1845 slong with anclousure on notes of suggestions is assered hereto and marked with the letter " B =

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Deal Ser de misse That India and Burma committee in its 6th Meeting held on 25th Cetober, 1945 at 12 noon at 10, Sowning Street, London whereby the said committee resolved interalls that it was generally agreed that the only civilian renigade of importan-AND LEASE CHARLES ce was detail Subhas Chandra Bose and also decided regarding his trial as "war Criminal". It appears from the resolutions of the India, Burns com ittee that the then Secretary of Sta-

A copy of the minutes of the India and Burma committee of the British cabinet dated 26th October, 1945 is annexed hereto and marked with the letter "C".

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te for India had declared Metaji Subhas Chandra Boso a war

ericinal and/or Indian civilian renigade .

14. That it appears from the letter dated 25nd July, 1946 written by shursed secretary of Mohondas Karamchand Gandai writing to Louis Fischer stating therein interalia".... IF BOSE COMES WITH THE HELP OF AUSSIA MEITHER CEMENT NOR COMUNESS WILL BE ABLE TO REASON WITH THE C COUSTAY". The said letter has been reserved in the library of princeton University, United States of America (U.S. A.).

A copy of the said letter dated 20-7-1046 alongwith a type copy of the same is annexed horsto and collectively marked with the letter "D".

That it appears from the above documents that at least on 25th Vetober, 1948 the British Government considered Wetaji Subhas Chandra bose as a war Criminal and discussed the possible consequences of his trial within or outside India, which proves that British Government did not relieve that he had ale on 18-8-1945 in the alleged plane crash. of the the 2011 will state beautiful time to their

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16.

That the Government of India constituted Setaji in-

quiry committee in the year 1956 which was presided over by Sri Shanwer than and it's members were Sri Suresh Chardra Bose and official member Sri S. N. Noitra (I.C.S.) and also Rhosla consission is the year 1970 where one bri Shyamlal Jain Stenographer of INA Defence Council who was earlier a personnel typist of Asaf Ali deposed that Webru dictated him to type from a piece of paper which Jawaharlal Mehru took out from inside pocket of his achkhan, which was written by ink, and gave it to said Shyamlel Jain to type out 4(four) copies. date in the said piece of letter was agra august, 1945. The name of the writer was illegible. The said piece of paper which contained information(possibly by an informer of Mehru) as follows :- " THE PERED RELEASE

" Netail started from Saigon by Asroplane. He errieved in Dairen. Menchuris at 1-30 in the afternoon. Thereafter, be took tes with bandnes. There was also a motor jeep standing nearby. The said aeroplane from which Setaji alighted was a Japanese Bomber plane which could accommdate only one man beside the pilot. The said plane was full of wold in the shee pe of ornaments. "ewellswies and pars and etc. .

The Statement as described hereinabove was placed before the Metali Inquiry Commission, but the same was not disp uted and/or opposed by any witness including representatives of the Government of India.

That in the said proceedings before the Noteji Inquiission to said obyesial dain further states STATES OF THE PARTY OF THE PARTY OF

The seid Shysmial Jain forther stated that Jewaherlel

Sense deliver cictated him (Shysmial Jain) to type a letter which stated and as follows :-

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Source Chandra Rose your war Criminal has been allowed by
Gtalin to enter into the Aussian territory, which set of
his is clear treachery and betrayal of faith as, when Aussian
was an ally of the British and the Americans, and Stalin
should not have done so. This is just for your information
and notice.

Astali Inquiry Committee 1966 and the Metali Inquiry Commission Astaliant in the floor of lok Sabba on 28th August, 1976 in conclusion of the Mebate on the motion regarding the Shoal's commission Asport, in which the said 'rime Sinister stated interalis, as follows;

the report of setaji Dubhas Chandra Bose's death following a "piane crash as true, Dince then reasonable doubts have been cast on the correctness in the two reports and verious injuriant contradictions in the testimony of the witnesses have noticed, some further contemporary official documentary records have also become available. In the light of those doubts and contradictions and those records, Covernment find it difficult to accept that the earlier conclusions are decisive. "

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19. Petitioners state that on lith pril, 1979 Shri Shade also square the them minister of state for Boxe Affairs made the following statement is lok sabba in reply to a question arising out of the request made by General Fujimara of Japan for bringing the alleged names of Sataji from Leasoji Temple to India 1-

"In the light or responshle doubts cast on the correctness of the conclusions reached two Inquiry reports on the death of setail Subhes Chandra Lose, the Severnment finds it difficult to accept that the earlier conclusions are decisive. It will, therefore, not be possible to take any action at present on the suggestion of Jan, Fajivere to bring the elleged ashes.

I'm the bearing that add we not refer

the discrepancies of a fundamental matero in the various versions of alleged death and news of plans crash, aritism deverament decision to treat detail as a War Griminal
after the alleged crash, debra's letter to atlee referring
to detail as a War Griminal effect the alleged air Crash,
abursed descript's letter to louis fisher interalls prove
equall's existence after the alleged aircrash, all these demand an innewiste disclosure of all the decements on Mataji
and INA these have been kept as closeified and remain a systery of his activities after 18th August, 1946.

declarativing some clant hundred classified documents out of about 0.000 securetts on Metall Lubras (hendre Bose and his 1.5. The accoments include some very vital reports of British Jutelliaence (C.S.C.I.C.J. and Allied intelligence

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asports amongst others. If tose counts are declarsalfied and produced before this "on ble court, Hajor part
of the system will be resolved.

with the letter 'b'.

that the sensoil Temple in Tokyo was burnt into oshes due to a devestating fire in the early mouraidown) on 4th September, 1989 as per perticulars directed in a Sangeli delly of Calcutta, on September, 1989.

a copy of the said paper with magish translation is ephonon herato and marked as 'F'.

ely chemisted daily, ajani, partagen, annual paer Patrine, enjants from relection daily, ajani, partagen, annual paer Patrine, enjants from relection published on 27-3-1997 that the responsation to tring the alleged agains onto to be of a stall bubbse Chemore once from sensois Temple, Julyo. It delute one as to may the responsable are best on establishing from to story of directs asspire plethors of evidence in succept of absolute sales are the alleged air-crash, such property bit he property is elected in the name of train is closely and calife as a solution in the name of train is closely and calife as a solution in the name

The petitioner asses a representation to the respondents on 4.9.1857 to assert in the correctness of the news paper stated therefore, but the respondents remained silent till date, which confirms the correctness of the news.

A copy of the said representation dated 4.9.1997 is annexed hereto and collectively marked with the latter '0'.

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En well as informations available petitioners believe that betail abri unbhas Chandra Rose aid not die in the alleged flame areah at Taiheas on tath ingust, 1946 it was deliberate goncorted by dapanese authorities to enable his to reach the dusties territory ecrose the descharies border. The petitioners further believe tast possibly inclusion of his name in the sur Criminal list is the only paralle for his return best to home land.

rify the correctness of the informations because a representation on in-12-1337 to the resonants to confirm the facts mentioned hersinbolow :-

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- erec makes Chapter maps, as a member of the Setaji Inquiry

  Cormittee (1200) in a lotter dated man \_-11,200, asked the

  Price deliter smooth "memberful cours to charify a "mother

  toe neme of retaji submes Chapter was no man attil is in

  the list of per Criminals eresults by province and her allie

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  vikel sweetless and readit "abru, is his life time, never
  - b) granting before the total lamping Committee (1956)
    headed by chahrens then, the Studies line Theren, the
    he ber of Lorsova, asked almost lambtical question to them
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- information (whether "cte,1 is still a car Gristuel).

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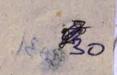
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some force in the case This information lies with the U.K. and U.S. A. The Moveroment (of Inita) compot issue categorical statement in regard to this question (whether the Covernment of India wonte state estagorically that the declaration in regard to war Gristnels does not bind this Covernment )".

- All In sales and c) In reply to the submission node by Shri Albertadu butte Mazomier, Council of Lete ouri Suresh Chandra lose, before Metaji Inquiry Commission (1970) , Justice Mosley Chelram of the Condscion, promoces on Eist January 1971 t "Mits regard to the statement" I made in Welli that etail's name should not go on any was Calaldaba Lists, that of course, will be proved in due course and I trust to your satisfaction, when live around
- i) in spite of his pronouncement, twice, in course of Sataji lanuiry Com ission's proceedings Justice Shools die not end/or coals not satisfy the Counsels and the ei-- timens of India at large, producing secuments which would have proved that Shri Subhus Chengra Plese's wame was and/ of is not in any wer Grislanis' Linte. There is not even o woisper about this in his findings.
  - No. Saraaji Sayal, detired hir Vice Marchel, Indian Air Force by and through a letter deted 15th Pebruary, 1997 to the Secretary Constal, whited Antions Organisation seeks his intervention against dubbing astall as 'usr Criminal' "the Great Indian Freedom Fighter, Nataji author Changra Ro deserves the world Body's Favourable consideration to relieve him, deed or alive on his centenary occassion from the alghanourable reference as a 'WAA CAIMISAL', unjustly and nastily dubbed by the Super Powers of the U.K. and U.S. A. may I on behalf of Freedom Fighters and the people



of India, aces your intervention to rectify the district ted image of our hero lose in the place of orld Mistory".

of the Secretary General communicated to Carl Goyal by and through a letter dated lat My May, 1997 that

in which setall is held, but he is powerless to undo
references that may have been made in the past. "e is
confident that no United sations agency or publication
would nee the term 'ear Grinian' in reference to setoll in inture".

- all to berding news papers in India of which, we hope, the Covernment of Lais is well aware of . ##b About six months have passed, the Government of India have not yet contradi-

s copy of the representation of the petitione's dated

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the respondents news nothing to stand in controllation to the foregoing statement.

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The Table

THE REAL PROPERTY AND ASSESSED AS A SECOND PROPERTY OF STREET ASSESSED. 27. Petitioners essert that some important documents relating to disappearance of Betaji Shri Subbas Chemira Doss since 18th August 1915 never each lying in the custody of the respondents and those are collected certainly at the cost torne by the public exchaques and as such the respondents are under ob-Lightion to produce all accuments and records including documents described in concerns 'a' hereinrelating to the present Alsoste. But the will be a management

> 28. Potition re submit that it is incumbert upon the respoadmits to inform the citizens of balls should the exact states of effairs relating to Astaji Shri Subbas Chanera Mose's mysterious alsoppearance and bis whereabouts after lith August. 中華學院 教育 中美國 一大美術 医医安尔奇氏 医 建二氢酸 五十二

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"t is further subsitted that the respondents have most illegally and with an elegior motiga have suppressed the entire facts in the matter of the great Indian leader of International importance, for which this Mon'ble court should interbase and command the respondents to disclose all the documents procerved in the dational resives schives and under the Ministry of Defence Union of India. by the the same and the same and the

> 30. Potitioners subsit that the petitioners are entitled to know about the correct state of effairs in view of the questi nier placed by suresh Changre cose, "of heremeliagn thever and ari dinarudu vetta Assumer as described berein-acova, which the respondents have swelded for decade remains for valor ber issown to them.

the same the same sections seems out self-

AND SEA TO SHIELDER OF PERSON SEED FOR THE

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71. Petitioners further submit that petitioners have every right to know whether "eta,i Shri Subhas Chandra Sose is a "s a Calalast" of Government of India or whether there is any Indian sad Calalast of India and the respondents are under ob-

32. Fetitioners further submits that one of the school text books on history written by professor hipsa Changra contains references to the said story of air crash at Taihoku on Augost, 1845 which is well within the knowledge of the respondences, and the respondences are absolutely rational on this subject, which is malefide, delusive and motivated too.

33. Petitioners further subsits that the respondents by sliceling the authors to publish such false an febricated story about Metaji buri bushes Changra Dose have unleasued a disinf - craetion exapsign which should at once be restrained by the intervention of this Mon'ble court.

34. That being aggreed and dissatisfied with the acts, activities and conducts of the respondents your petitioner begs to move before this non-ble court names weit jurisdiction on the following amongst other :-

### · GAOUADE

ple of India about the true and correct state of affairs relating to Metaji their subhas Chandra hose's my terious discopessance on 18th August, 1948 and his whereabouts since then in view of the records and documents available to the respondent but the respondents have deliverately suppressed, while malafide and illegal, for intervention of this hon' court is necessary.

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For that the responsents have acted malafide and gally withholding and suppressing the documents and records r maining in their custody without disclosing those records and documents to the people for informations. IN WHATE WELFT DIE WESTER OF

iii) For that the respondents are deliberately and evertly indulaging in teaching wrong and incorrect lesson of history to the students and people of India, watch is melafide and illegal in depriving people from true and correct information

violationing and artistation of the public

- 17) For that the respondents' acts and conducts for more than the last five decades regarding the informations relating to Setaji shri Bubhas Chendre Bose and Indian Mational Army are continuing melefide, unfair, illegal and misleading the people of the commity and as such intervention of this
- For that the acts and activities of the respondents are ellthrough molefide, misleading and illegal and as such intervention of this Heathle court is necessary.

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o the following suppose order or Under the facts and elecumstances state above your petitioners most umbly pray that your Lardship may graciously be pleased to issue !

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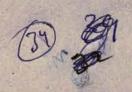
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That unless an order as prayed for is passed you cetitioners as well as citizens at large of themation wowld be deprived of the right to know the correct state of affairs relating to the great leader Metaji Subhas Chandra Bose and the role of Government of India towards him.

S NO WARD BUY ON THE PARTY 36. petitioners assert that on the self same cause no other proceedings have been initiated before any other forum and/or before this Southle court.

37. That the instant application is made bonafide end in the interest of justice.

> Under the facts and circumstances state above your petitioners most humbly pray that your Lordship may graciously be

pleased to Issue petitioner No. Thoppear in deave may be granted to petitioners;

A writ of and/or order or direction in the nature of Mandamus commanding the respondents and their subordinates. servents and agents to declassify and disclose all documents relating to "e taji Subhas Chandra Pose Including In dien Mational army ;

A writ of and/or order or direction ! the nature of Mandamus commanding the respondents and their subordinates, results and agents to make a categori THE RESERVE AND A STATE OF THE PARTY AND A STA

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West of and/or order or directions in the nature of cartiorari requiring the respondents and their subordinates, servants and agents to produce and/or transmit all the records files and interest of the same and documents as mentioned in encerars. The codesistates and the same disappearance of "staji bbri cubbas Chandra & since August, 13th, 1945 and subsequent thereto

A writ of and/or order or direction in the I will have been nature of Bandanus commanding the respondents to disclose the stand of the Gevernment of Ir die regarding detaji Shri Sobhas Chandra Sost if he is found on Indian soil "whether Govern service the constant ment of India will welcome him or handover h itonelles a same of odeser has to the allied forces" and make a press commu que to that effect :

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## APPIDATIT

I andre Jyoti Shattecharjee son of Shri Sanbosh Aumer Shattet erice aged about 42 years by faith Sindu, by occupation "egal practitioner resident of Flora Fark, weltuli, P.S. Chinsurah, F.O. and sistrice Seegaly do hareby solemnly affirm and say as follows :
1. That Im the potitioner No. 1 and an well acquainted with the facts and circumstances of the case and also I have been duly numberised by the potitioner No. 2 to affirm this affidavit on his behalf and as such I am competent to affirm this affidavit.

2. The state made in paragraphs 1,2,2,4,5,5,7,18,19,25,26,36 as 37 are true to my knowledge and those made in paragraphs 8,3510, 11,18,13,14,15,10,17,18,19,20,21,22,23 are matter of records which I verily believe to be true and those made in paragraphs 27,28,29,30,31,32,33,34 and 36mmemmyhbimbbe30 are my numble submissions before this Hon'ble Court.

Solemaly affirmed by the seid Sri Rudra Jyoti Bhattscharjee at the court House at Calcutta on this the 11 th day of February, 1998.

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Commissioner

# Asiatic Society team finds new material on Subhash in Russia

By Sudhin Day

The Times of India News Service

CALCUTTA, September 14.

The three-member Asiatic Society scholars' team, which had gone to Moscow recently to study some archival material, has found new facts about Netall Subhash Chandra Bose's presence in the Soviet Union after World War II.

The archives in Russia, which were earlier closed to foreigners, have now been thrown open to scholars for research work. This is the second time that the Asiatic Society has sent scholars to bring back material on India from Russian archives.

Team leader Purabi Roy said that they came across some material which stated that a Soviet agent in India, while going back to Moscow in September, 1946, carrying a letter from Jawaharial Hehru, had in a .c.

port to the Soviet consul in Teheran disclosed that Subhash wanted to negotiate with the leaders of the Forward Bloc in India.

Yet another Soviet scholar B. Tur adzev had in an article in a journal, Asia Africa Today, in 1993 wondered why Moscow and Delhi were silent on the question of Subhash's disappearance as he knew there was relevant material in the Russian archives to throw new light on the matter.

Ms Roy said that Mr Turadzev had obtained the material from the KGB and the president's archives which were not accessible to the Indian scholars. Mr Turadzev said that he was not prepared to delve further into the matter as the Indian embassy in Moscow requested him not to proceed with the matter further.

Asiatic Society general secretary Chandan Roychaudhuri said that he had personally taken up the matter with the Indian ambassador in Mos cow who denied any such interfer ence by the Indian embassy.

Ms Roy felt the government of 10 dia should impress upon the Russia, authorities to permit Indian scholars access to the KGB and the prestident's archives as it might help clear the mystery of Netaji's disappearance, Mr Roychaudhuri said he had already sent letters to Prime Minister P.V. Narasimha Rao and the external affairs minister to use their good offlyces in this matter.

The Indian team, which stayed in Moscow for two months, has brought back photo copies, micro-films and hand written notes of more than 1,000 pages. These documents relate to the activities of Indian revolution aries in the Soviet Union in the 20s and the 30s, including those of M.N. Roy, Raja Mahendra Pratap and Abaril Mukherii



BXPRESS INDIAK

New Delhi Tuesday 19th Suptember, 1995.

## Govt apathy leaves Netaji's fate buried in Moscow's files

by Udayan Namboodiri

CALCUTTA, Sept 17: Indian historians say two files lying in the archives of the disbanded KOB at Moscow may help solve the mystery shrouding the fate of Subhash Chasdra Bose, whose "death" in Jan air crash at Talboku Airport in Talwan in August 1945, was disbelieved even by Mahasma Gandhi.

But a "tragic" aspect of the story of Nethi's disappearance is the Indian Government's continued anothy in this reward. In-

tinued apathy!in this regard. Indien scholars are finding it an aphill task permading the Minis-try of External Affairs (MEA) to

and for all the biggest enigma in the annals of the freedom the freedom movement.

"The dissolution of the USSR is seen by the governments of most countries as a period of great opportunity. They are encouraging their historians to go through hitherto secret archives in Museow to meawel those parts in Moscow to enravel those parts of their histories that were shrouded in mystery during the communist cra. The Russian Government is quite generous about opening up these archives, "Dr Hari Vasudevan of Calcutta University's Russian Studies Department told Indian Express here on Mooday.

"While scholars of most wes tern countries are making the most of the archives, we are suffering for lack of our MEA's cooperation," said Dr Vasudevan, who recently spent four months in Moscow as part of an Asiatic Society tearn, studying and compiling material pertain-ing to Indo-USSR relations ing to Indo-USSR between 1917 and 1947.

The two files are to be formal in the archives of the KGB and to read them, the scholars require letters from the MEA for gra perinlasion by the Russian Government. But repeated requests to Minister of State Salman Khurshid and even the Prime Minister went unhooded.

## 26 Orissa Dal **MLAs** may join Congress

FROM S.P. NANDA

Bhubeneswar, Sept. 25: The dissident Orissa Janata Dal leader and former minister, Mr Jagannath Mallick, created a furore in the Assembly when he sought to state that 26 bal MLA. including two ministers, might ioin the Congress(1).

As he was not allowed by the Speaker, Mr Yudhisthir Das, to make the statement, he told newsmen , er that he had documents proving that II Dal legislators and two ministers had expressed their desire to join the Congress(1).

Mr Mallick said they had come to him to enquire whether he was Leaving the party and joining the Congre- ! They wanted to shift their allegiance to the Congress(1), he said.

On the floor of the Assembly, Mr Mallick sought to explain the Dal deputy chief whip, Mr Pradip Maharathy's statement that he (Mr Mallick) was joining the Congress(1). He also tried to clarify Mr Maharathy's statement of being threatened over the telephone by Congressmen to join the their party or face death.

Mr Mallick said he had not decided whether or not to join the Congress(1) When he referred to

# Vietnam archives hold key to Netaji flight

INDIAN GOVERNMENT RELUCTANT TO PURSUE LEAD

FROM FLABHA JAGANNA HAN

city of Saigon may even todahold the key to a crucial missing piece of Indian history related to the disappearance of Netaji Subas Chandra Bose during World War II. Ironically, though, the Indian government seems reluctant to pursue this lead.

The government of the Socialist Republic of Vietnam has access to certain pictorial and documentary material on Netaji's last flight - during

which he made a so journ in Sai gon city on his way to Taipei (Formosa) and Tokyo in Japan before his final disappearance, according to the authorities.

"There is accessible material '445, when a arge part of Indo China was under Japanese domination. However, the Indian government is reluctant to pur sue this lead, which is likely to nelp us unearth some exceeding ly interesting material on Neta ji's disappearance since it will reopen the entire issue," said a highly placed source,

However, Indian embassy offi cials, who admit the existence of "some material" including newspaper clippings related to the

Ho Chi Minh City, Sept. 25: The event, dismiss this, saying, "The last thing we want is to embroil ourselves in another controversy over Netail. Any talk of this is likely to get blown out of proportion immediately in India."

> While some of this material was acquired by the government of the Socialist Republic of Vietnam in the post re-unification period from the authorities at the Majestic Hotel, where Netaji was put up by the Japanese government, material on Netaii is also believed to have been accessed by the government here while collecting archival material on both the World War II and the Vietnam War period.

Located along the Saigon here on Netail's stay in Saigon in river, the M jestic Hotel, once considered the city's most elegant and prestigious.

> Netaji is also believed to have met the Vietnam Cong Sai, (Vietnam Communist party) chief and father of the Socialist Republic of Victnam, Ho Chi Minh, as well as the Burmese leader, Bamo, as part of his war-time strategy to garner support for the INA and Azad Hind Faui

The Forward Bloc MP, Mr Chitta Basu, who has for years been trying to get the Indian govern-

ment interested in retrieving all archival material related to the 50 ear-old mystery of Netaj's disappearance in 1945, said, "There are a lot of theories about Netaji Subhash Chandra Bose's last flight in 1945. In 1943 (Octo-



ber 21), Netaji made Singapore his headquarters for declaring independence of Azad Hind from the British and opposition to the Allied forces. He met and discussed strategy with many leaders in the Southeast Asian region before he was flown on a Japanese plane in 1945 to Formosa.

Some evidence suggest that he did stop over at Saigon. Others claim : s just a smokescreen."

Mr Chitta Basu, however, personally met former INA members in Thailand and Singapore who confirmed that the Netaji did stopover in Saigon in 1945.

Netaji Centenary: Now involved in efforts to get the Ran government interested in a nationwide centenary celebrations of Netaji next year, Mr Basu, in 1990, presented both the Indian ambassador as well as senior government officials in Moscow with all the documents on Netaji, "I requested senior party officials to help in retriev ing all material on Netaji by accessing their archives. They agreed, but the Indian government did not pur sue the matter," he said

When Mr Rao became Prime Minister, Mr Chitta Basu met both Mr Rao and the human resource development minister. Mr Arun Singh, besides the Indi an Council for Historical Resear ch (ICHR) officials on the issue.

He also wrote to "friendly governments" in Southeast

as well as in UK. Taiwan, China and Japan. But nothing transpired and the Indian government showed no interest in the centenary celebrations, either.

Without the Indian government's active interest and support. Mr Chitta Basu stresses, there is no way of getting authentic information on what happen ed at that point of time in Indian history and the Freedom Movement.

Supreme Court verdict: Meanwhile. Netaii scholars and academicians in Calcutta are eagerly awaiting the preme Court verdict on the . ard of the Bharat Ratna to the Netaji, posthumously, by the Indian govern-

The verdict, which is due at end October, is related to the con test of the award, both in the Cal cutta High Court, and later, at the Supreme Court, as "falwartime lacious, since the Netaji's demise has not been factually proved."

It is expected to restart the decades-old controversy on the Netan smysterious flight.

The government, which was asked by the Supreme Court to provide any evidence it may have on the issue, declined, arguing that all sich information was classified.

Efforts are on to get the material declassified





বৃহস্পতিবার ২১ সেপ্টেম্বর ১৯৯৫, ৪ আম্বিন ১৪০২

## মস্কোর আলোয় নেতাজি

a actes the sundice our situal area And with the vite alless an eight lete विद्वरक्त व्यक्तिक धार्यान भवर सङ्ग किकामा निर्धा धरकात महारम्भं स्नात संधन्तरत हेल्डि, विधान पूर्णनाए বেতাভিত মুখ্য ইয়নি, একত ছিল হাত জীবন। অটুট ছিল

हार केलनबर्दा । प्रदश्च त्महाकि भन्नाद्ध गद्धन करत खनुभक्षान करहारून क्रमारिक ट्रामावृद्धि कक्ष क्रिया पावरश्व विविधामायव कार्यक्रींडक अन्तर्क विद्यार्गित खन्नानिका ए: गृववी बाह. क्नकाका विश्वविद्यामाराटक राष्ट्रीवक्षात्वक व्यवानक त्यांक्र weed set Afteriore warnes efectagesente face אואצ פנעובא בפ ועש החוב אפנפם כש נשנם כאניטעם भाम नर्थं किन बाल्बार टाएक गरवनाव कान। धनियारिक সোপাইটি এই গাবেৰগাহ বাবস্থা কৰেছে ভাৰত সৰকাৰেহ গাবাহ । কল-ভাৰত চাকিব আওতাহ । গাবেৰক মাস বিশোট কথা পিচেছে তিন কাচগাছ।

মাধ্যকভাবে মহোত নিতৃত ভাৰতীত বাইণ্ড ডঃ বংলন সলের ভাবে ভারলর কলভাবে প্রলিফটিক সোসাইটিতে ও नेपाणिकार विद्यम सञ्चाद विद्यमध्यी संगव मूट्यामाधाय निर्म दे। सञ्चाक वटम ६६ विद्याप्त निर्म सार्माप्तना करवर्डन । ब्रिजिमिक स्मामादी माबावम मन्नापक छः हत्यन entitles out niers were mysel this fifete esfecte à fectrement estrette neve à fence सानवान्त विद्यां कथावारा द्राप्त वर्ण त्वाना पाए। विक etemus fela watt oreco acute foculutura :

গাৰেক গলেৰ সমস্ত্ৰ পিছিতে ও কলকাতাত সাংবাহিকত্বত মাথে বলেকে হাবা হত্যেত আৰ্ক্ডিতস रमाह निकारक महान , भरतराम का धारक जाना बाह, पदावृष्ट त्ययं इत्याक्ष पृ'वस्य भारत, ५०४८ मारत टिविक्य নিবুক লোভিয়েত্ৰ বায়পুত জাকা, মালিকের মাত্রে ভাগিন अवसारक नाम जाराण रामारणम बार्बारणमा किनि CHIERTO ESFARE CUES COLUMNIA NEED YEAR गरबाह स्मान्ति करहकान- त्यागस स्मानिसक देउतिकस्म कार्विटर्शबरकार । ब्रहे अधार कविकार नविकत्रमा निर्द (माकिट्रांक महकारक अ: अ देश (वाधानका इट्टाइन)

क्नाकारार ३३ (अट्डियट्स्ट आर्थायिक अट्डिस्ट ३: अपन डाधाकीचुडि बालारून, कार्यंड ध्याविक गर्देवक मन मरकां करमकी बाकिएक (बर्क कृषाकांव मुद्रांव जाउँ निर्दर ্রনাহন। এই আন্তাইচসতলি হল, কমিটার আর্কাইকস, গোলিয়ের কমিউনিস্ট শাটির ফের্মাট কমিটির আর্কাইকস, ्मनावाहिनी**। ए**डिशाम मदकारि धार्व एकम, मान क्यार व आविष्टिम व वर्षमान कम एक्जारबन्दाव विषय प्रशास्त्र WESIPIN.

पटका अटकान पर्यापकताता द्वाप्त अनिवाधिक মোদার্ভার গরেষধ্বত খেনত খুদারান ওও-ইপাদান নিতে atrices of cate faute the Foure as Challe लाकिएड इंडिनिएरेन चिल्लन वटन काना थाएक। गरवहक म्हलर तारी का मुद्दी राष्ट्र उम्हताल मारवाविक महत्त्वात einie sono nine initale (ultime feun ether we see so up her inforce acus to to services were trained after atte state work ethethe o cotobs efect wheemen creas that an मानि क्षित्रे । देवीन महस्राद पाठमात नात्म तहरहकातन (भाषिक्षातः करमागद्दे स्टामन, मुखायहरा यम् काद्रार HEALTS STOR OFFICE AN AUTHORIT WATE STEEL! in the propert bittle labeling and as acres than factor willy factor weren by

er god sie uise orinerun, ensteure ignes 'e বুলগদের ভে জি দি টু সেভিয়েও প্রেনিডেটের জীর্বাছনাস र्थर्भ अंश्वरिष्ट उन्नेनातः विविद्य बालाका, मानिराह बाबादकात्र मुक्तारप्रभारम् राज्याम विवाध असन अर करा ्राष्ट्र त प्रकृष्ट क्ष्रियेत वल्द महून कार्माक्तांक कहात। the users fix a windre extra a feace acrice man करहादम द्रशारकार्य यसक रणामक माक्टीक गर्ययकर्थ co fe कि किरता (कॉमर) एट धानावक में त्यपट त्यकता tie all mico sier, which might held the

-1-2-1

হাতহাসের পটে সাম্প্রতিক

পবিত্রকুমার ঘোষ

সোভিয়েত কণ্ঠশক্তক এই মর্মে জনুরোধ জানাদনা হয়েছে বে, কোনও ভারতীয়কে এই আঞ্চাইতলে কেন চুকতে দেওয়া ना इए। शानियाय कातत्व आहेण्डानाम धरे व्यक्तियान यथावीणि व्यवीकात करतरह।

তবু ডা চম্বন বাছটোগুটি সাংবাদিক সম্ভেলনে वानिएएट्न, रिटीन शत बार्ड्निन। रिटीन वामाएर विराज प्रश्नाकत आरब आरबमन करताबन, तक कि वि दबर कन প্রেসিডেটের আর্কাইডসে এপিচাটিক স্নোইটির গবেষকদের नत्ववना कवां त्रूरपार्त्तव वावश्वा करंड विरक्त।

এই আবেশন গ্ৰাহ্য হওয়া দৃধে খাকুক, প্ৰধানমন্ত্ৰী নৰ্বাসনা বাও এপিডাটিক সোসাইটিব ওপত চটে গিছেছেন। তাই গও মতাহে কলকাতাত থশিকাটিক সোসাইটিক অনুষ্ঠানে যোগ प्याप्त कथा भिएएक दिनि याननि। वह धनुकारन निम्नाकार femule se fafite bever mete cere felero Gente-क्यां कथा दिल श्रथानप्रशेव।

amerers fela culva as scores confinences त्मिन्दे विक्रिएक बाबादना बरबद्ध के क्रिक्स करें। त्याप क আই সি সি-র মুখপাত্র ভি এন গ্যাডগিল সাংবাদিকদের ভেকে ৰলেছেন, এপিচাটিক সোসাইটির গবেষকরা মাম্বা থেকে নেতাজির মৃত্যু সক্ষোত্ত যেসৰ তথা সংগ্রহ করে এনেছেন CHUR WE ्वर्ष श्राह्माकात तहत क्षत्र कराव हार वाबक सबकादकः क्या मा तरग्रीक वन्यामनी व्यन्ताही >>३४ मार्ल चाहरशक्त विमान भूपीन्ताव व्यक्तकित पृद्धा

ওই তথাকবিত বিমান শুটেনার পর পঞ্চাল বছর পেরিয়ে निर्देश वर वर्ष पराची पुरंद क्याना विदर्व इनरमंड নেতাতির মৃত্যুসংবাদ ভোনতদিনই প্রমাণিত হচনি। সে সময় কোনত সৰকাৰি কণ্ডপাক এই সংবাদ প্রচাৰত কৰেনি। নেতাজিক মৃত্যবাজা প্রথম পরিবেশন করেছিল জাগানি मरबायमरका स्मारमङ निरुष करणाने। याव बप्रनाव मात्रमन 781

वर मरबारम ब्याचा ना रवरच शक्र है वी पर्छाइन हा कालाड बाला अकह मरक दिलींगे महकाशि अक बामाना बामाधारकारक रमारणका उपन कामिरक्षित । दहे किसी अन हमः यकः भद्र क्षाट्डामध् धार्म् मक्षाः पूरे भई भाउँ देशास्त्रात्म भाउँ व देन्द्र अलिया चालारम् क्या । विन् জেনারেল খ্যাক আর্থারের ইউ এস প্যাসিফিক আর্থি। ভালানি and (nes receive (really organs) an old gives হখনভার চিয়াং ভাইলেক সংকারের আমেলে ভাইলের মেরর অনুস্থান করেছিলেন, সতাই ১১৯৫ সালের ১৮ আগস্ট ভাইত্যেকু বিয়ান কৰবে কোনও বিয়ান ভেতে পড়েছিল ভি मा। त्यादार निष्क बटकांन करूंक संव्यक्ति भरवाद्य बना ciulem, al wifere and acts femall cecelem: wice wike a we ace proffe him facely on a sec Ma, are alcafore i

वर् पार्व वार रक्ष प्रश्रद्ध (क्षमवर्तिक दिन्तार्व साक मर्थंड अवालिय रामि। विश्व बरार्वरणः वटी महिन बार এত যুক্তি বিমান ধুখটনাও সাহবাট্ট ভিন পত প্রথমেয়াট্টী আচিশিত সভস্কাবতে এক উপ সিতেও হিলোট পাঠিতে STONE ENCRE ON WHATEFEEDA! FROMIST BING!

CICE WIES MENICE WELD US WINTE OFFICENIA, ৰপুৰ মাতি হৈছে। কোন আচৰণ কৰাবন। (ক) ৰপুতে ভাচতে करत पुत्र कराव कलकारव विकास कहा शहर किया, (ब) शाक्षाव विकार बाजी व मानार स्परंक बनु गुरू करवरको बाम वह कृति त्यरमह सामामारट द्वारक त्यांनम कहा प्रत किना. (ग) फाबरहर बाहरत जार्यात्र पापमारत देशन विकास कहा हरन किना (म) कावटक देशक (प्रधान करन वापा बरन किना (क) फावटक शहरत राम्य क्रिक संस्कृत रील बनुरक चारिक शाबा हर्ट किना (४) वर्ष एटराइन हर । स्वार्नाह

देश्य बाक्टर (में क्या इरन किना ; या दनि (में क्या दय या इरल द्रारक जासम्बन्धन कदार समान पहकार हिंदै।

विभाग पुर्यामार माठवाँ। विन भड भागाता विर्मार्ट नटाकिन सरि की बाध्य क्वा इत्य तम निर्मम ठावणान यथ दम, किनि बीविक चारान । बाँधि हिम क्यारकम अवकारवर स्मापन निर्धाम । उदारकम निर्दाय केल कार्यान्य निर्वाहरणन: "मृहावहता बमुह प्रशा मरबार बायात प्र मत्यव चार्य, द्विन चायरचन्त्रन क्वरण कवित्र जवक्य बर्टनार बाधाविक ।

ज्याबिक मुक्ता विवदक बालानि ब्राह्मक त्यानामाम कहाटक्य स्वरंतक अष्टाका अन्नरके अरुवाई करबोहरमञ । क्ष्यरक्षत नत देख महकार विकिट १४, ज्यांकि मूच त्यदा त्याविद्यार इंडेनियान निरम्भान : (माकिरकत्र महकार जननव विसीतार যিত্ৰপত। তথ্ৰত ঠাও: হুছ খোলাখুলি তঞ্চ হয়নি। বিটিল লেবাৰ পাৰ্টিৰ প্ৰধানমন্ত্ৰী আটেলিৰ খাবে ছিল প্ৰগতিশীলাহাও ছাল। ভালিন ভাই প্ৰকাশ্য বিভাষাত কননি। সেজনাই ভাৰত সরকাবের ভরাই সচিব মনে করেছিলেন, সূচাবচন্দ্র বস্ देश्य नामारमंत्र मरबाहे बरबाहन । देशक त्माविरवाट इक्षेत्रियाल काकरक एकशाव करम, कानाव सरका अवकारहर महाबहार देएक (अधार करत मिट्ड बामार याह)

कामित्नंड मत्नाकार शहर वना बहारकम महकार्डड भरक महद दिन था। किंद्र शायत विरमार्टित वाकि चारल नाटि কথাই ছিল। এলিয়াটিক সোসাইটির গবেষকথের সংগৃতিত BEND CHE EAST FROMORI

क्यारकाशक भारताचे याजिक्याराज्य क्या ग्राम कार्यावत त्नर्राचित व्यवश्रंत बद्दाग्रंत योगच कतिरविद्याना वह मूरि क्ष्मारक किर्मार सम्मित शहरी विष सार्केन्साकेत्वर जारबीवरक सम्मानारी ब्रिटिन परिमारबर प्रथम फेस्ट कटपारक । कारक अहे कांगिआन कटमाराहन : "(माठा कामानाविक अरबहबानक। विधान पुर्यनात कथा जारेट्सक्टकर कानारना হুয়েছে। সম্ভবত জালপর বসু অন্য কোখাও পালিয়ে গিতেছেন।" ১৯৯৮ সালে পকলে ভাষতীয় শুইক্ষিপনার এন ि रचारम् अन्तिका सामा क्यार वारिकारीन বলোহদেন, "সুভাষ্চতা বসুচ মৃত্যু বিষয়ে কোনও সরভাবি तक वामान काटा हिंग ना।

(अनाटका शाक धार्यदात जयन वित्नापिक तटहरूव बरागनिक। किंद्र 'टिम्बिक मिठाम' उनामारम वर्गे मिठाव क्षिनात्मक क्रवासमाम का बाधानिकाम नामारक धारपविकास निकासनावि बाजविकान : गांक बार्कादक प्रवास काना निरंगरह, नियान पुर्वाच्या मुखायाचा सम् निर्व स्त्री—विनी -INFACEDER I RITECTE CRECKE WATER WATER FACUSEN. विकार मुचीन्स कामरान्य संस्थि।

क्षेत्र कार कार कार प्रकार जानाज महस्रक नृपन अविष् क्या के बहिल राज पानित वाव नारम अव क्यांट्राव कानिरकारका । अनि नाकि क्षाम वहत वरत शरववना ठालिएर दक्ष बानारक रमाद्रारम । किंद्र रकानक कामानि अहकार याण नर्दंड दोडाण्डिं चडकी डक्स निर्देश भाषा वामात्ना वहनाव परन करबनि। स्वन ना पुत्र स्वरंग लाहिएएट रविनद्दा ध्रावांक भावि तका महत्र स्टार्टिन कर्नामा ভাশান সমভানের প্রভাভ সহখোলিতার। এই অর্থানের প্রান बर्शिवास्त्र कारक्त मार्थित ज्या- व्यक्ति मार पद्र জাপানি সেনাবাহিনীর এরান, সারগনে বভিপ্-পূর এপিচার with whice five union course, feetle feetles शक्त रक्षमादाम इत्माका अवर रक्ताविक अथव प्रस्टुटक विषय अधिमात कट्मम छन्छ। यापृष्टिका मीमाप निटड भाकित्वच क्रमाना आहरपरिवास म्हावित पावसात स्टू केवाई बरवहिरामा। ए कृतिहा मीमाच भवंड अवह विभारत दरशीय वर्षी दिएला बालानि रक्तारका निरंपरे।

अवर्षकर अपनेमर नित्न नजानीम प्रेटिशासर (Men बागावृद्धः भक्तम् बद्धात् क बद्दान्तव क्रिनात वृद्धिः स्टान करेर निकर, ज़राबि माहित्यर देखीनवान लाम वासिन टार्ड क्यो किरवा पून करडनि। इंग्र-गरिन ६० ७५३ wifeces aufalece along size i all creiface fus महा कराई दिन चामिह्न नहक बाकानिक।

# সংবাদপত্রের পৃষ্ঠা থেকে

Indian Life, 27 February, 1953

## Netaji in Russian Province

SECRETS OF K.P.S. MENSON'S INTERVIEW WITH STALIN.

Let not the people of India be swayed to and fro by the interested propaganda balwhoo about the death or murder of Netaji. After a careful assessment of current reports from reliable sources, LIFE can now explode the cob webs of myths and blatent les about his death and essent the NETAJIIS ALIVE. BUT THEN HE IS NOT A PRESONER IN THE HANDS OF STALIN but he prefers to be in a COMFORTABLE CASE in a small village near MAGINTOGORSK IN RUS-

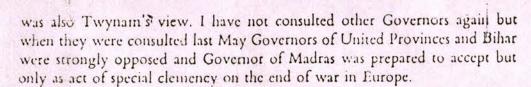
Distinct his high from Siam Lights undercome destination, to prishes look cit from the Bengkok perodrome. The plans has met with the accident was not carrying Netaji

and the victim of the crash was a JAPANESE GENERAL. The Japanese Lieutenant KHAMI, the bodyguard of Netaji in the other plane is still alive in Japan. According to reports, the plane carrying Netaji landed somewhere in Manchuria, still then under Japanese occupation.

With the formal cessation of war which followed the atom bomb on Nagasaki and Hirosima, Japanese forces in Manchuria surrendered to Russian Army in the middle of August, 1945. Unnerved at the lichtning speed of new developments, Netaji wanted to go in hiding but was captured by Russians and removed to a remote part of Siberia under orders of Kremlin.

বিমান দুর্ঘটনার সত্যতা নিয়ে সন্দেহ ১৯৪৫ সালেও ছিল, আজও আছে। বরং নতুন অনেক তথ্য আজ সেই সন্দেহকে অনেক বাড়িয়ে তুলেছে। একই; সঙ্গে অনেক স্পষ্ট করে তুলেছে একটি তথাকথিত দুর্ঘটনাকে সত্য বলে প্রতিষ্ঠা করার ষডযন্ত্রকে। পরিষ্কার হয়ে গেছে সেই সব মুখ याता এই युष्यद्वत অংশীদার। দেখা যাক সংবাদপত্র কী বলেছে. কী বলছে।

(माक्य १



3. If commutations are sanctioned I would make no announcement. Any statement that they had no political significance and were based only on delay would be disbelieved and would do no good.

4. Your telegram No. 176941 of August 10th was received after these telegrams had been drafted. I have not thought it necessary to alter them in any way.

1 No. 12.

15

/ Sir E. Jenkins to Sir F. Mudic

Wavell Papers. Official Correspondence: India, January-December 1945, p. 262

TOP SECRET

11 August 1945

No. 1157

My dear Mudie,

The External Affairs Department are, under His Excellency's instructions, sending an official telegram<sup>1</sup> to the India Office setting out the points in which India is specially interested in any surrender terms imposed on Japan, and saying that we wish to be consulted about these points. The noting was seen in Home Department, and His Excellency understands that a "surrender list" of traitors whom we wish to be handed over to us has been prepared in the Home Department and sent to the India Office. Two of the points mentioned in the External Affairs Department telegram are (1) Indian prisoners of war in Japanese hands, and (2) the treatment of Bose and his associates and of Jifs. His Excellency considers that these matters require very careful consideration: in particular he is not at all sure that Bose and his immediate associates should be returned to India for trial. It might be better to have them dealt with as war criminals outside India. His Excellency would like you to advise about this. In the meantime he has sent the Secretary of State a private telegram, No. 1286–S, 2 dated 11th August 1945, of which I enclose a copy for your person dinformation.

Yours sincerely.

E. M. JUNKINS

1 -107 of 12 August, 1,1885/12/4565.

4 On similar lines to this letter, Ibid.



HNNEXURE-10

57

St. B. Madie to Sir B. Jenkins

Wavell Papers. Official Correspondence: India, January-December 1945, pp 273-5

TOP SECRET HOME DEPARTMENT, NEW DELHI, 23 August 1945
My dear Jenkins,

I have not so far answered your Top Secret letter No. 1157, dated 11th August 1945, about the Japanese "surrender list" and Bose as I wanted to look up the papers regarding the "surrender list". I am, however, now enclosing a note on the treatment of Bose, in response to His Excellency's request for notes on any subjects that Departments might wish him to discuss in London. Whatever decision is taken in Bose's case must have the full backing of His Majesty's Government.

2. The note has been prepared after discussion with Smith and Tottenham. Smith is more afraid of the agitation that his trial in this country will cause than 1 No. 15.

either Tottenham or I and attaches less importance to the objections to trial outside India than we do. Otherwise we are agreed.

3. I have examined your suggestion that Bose be treated as a "war criminal". He clearly is not one in the ordinary sense of that word. Nor does he appear to come within the extended definition which has now been adopted by the United Nations. In this connection I would refer you to the air mail edition of the Times of August 9th.

Yours sincerely, R. F. MUDIE

Enclosure to No. 57

TOP SECRET

#### HOME DEPARTMENT

One of the most difficult questions that will confront Home Department in the near future is the treatment of Subhas Chandra Bose.

- 2. The difficulty of the problem is due to Bose's peculiar position as explained below:—
  - (a) Bose's influence over the I.N.A. is very considerable. It extends to the great bulk of the 12,000 I.N.A., both soldiers and civilians, already in our hands and probably to an even higher percentage of the estimated 15,000 still to be recovered. It affects all races, castes and communities almost equally strongly. They regard him with deep admiration, respect and confidence as a sincere patriot, as an able leader without peer among the overseas Indian community, as the organiser of India's first "National Army", as the protector of his countrymen under Japanese occupation, and as one who successfully dealt with the Japanese and was accorded by them greater respect and power than most other leaders in the same position. All this is in addition to his already great prestige as an Indian nationalist figure in his own country.

(b) Bose's influence over Bengal politics.—Bose is prominent in the Bengal political field and, in Bengali estimation, probably ranks little, if anything, below Gandhi as an all-India figure. As founder and leader of the

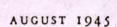
- Forward Bloc he possessed very considerable potential power for harm.

  To the youth of Bengal and to terrorists, in particular, he is, and has long been, a source of inspiration. His influence in this respect will in no sense be diminished by his recent exploits as Head of the Provincial [? Provisional]

  Government of Free India and Commander-in-Chief of the I.N.A.
- 3. As regards the treatment of Bose, there are the following possibilities:-
- (a) bring him back to India and try him either for waging war or under the Enemy Agents' Ordinance;

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(b) have him tried by a Court in Burma or Malaya for waging war against the King in that country;

(c) have him tried by a military court outside India;

(d) intern him in India;

1.

(e) intern him in some other British possession, e.g. Seychelles Islands;

(f) leave him where he is and don't ask for his surrender.

4. I do not think that there is any chance of Bose being hanged if he were tried in India. The pressure for his release would be too great; also his trial would result in great publicity for his doings, motives, etc. On the other hand, trial in India would be the straightforward course and the trial as such could not be criticised. If it is accepted that execution would, in the end, be impossible then reprieve immediately after conviction, to forestall agitation, would be the best course.

5. It is extremely unlikely that the Government of Burma, which is engaged in appeasing the Burma National Army, would agree to try Bose and even more unlikely that, if they did, they would hang him. The Government of Malaya might possibly have no such scruples, and we might get a hanging if His Majesty's Government agreed to ignore agitation in India and Parliament however streng. But a trial in Singapore would cause almost as much agitation in this country as a trial here, unless it were held in camera and no news released till after his execution. But in that case we would be accused of judicial murder. It would be said—and truly said—that we had kept the proceedings secret to prevent his friends and supporters from doing all they could to save his life. Also, what reason could be given for trying Bose outside India when the leaders of the I.N.A. are to be tried openly in India? The long-term political consequences of this course might be very serious.

6. Trial and execution by a military court outside India would be open to similar objections but to a less degree, as the trial would presumably be less prolonged and military punishments are expected to be more severe than civil ones. Again, trial by a military court would suggest that his crime was killing our soldiers, whereas trial by a civil court at once raises the independence issue. On the other hand, this would be an obvious subterfuge and it is unlikely that the military would lend themselves to it.

7. Interning Bose in India would lead only to an agitation to let him out and to his release after a short time. He might then escape to Russia, as he did in 1940 (see paragraph 9 below). There would also be the usual agitation for a trial and we would incur the odium of detention without trial.

8. There is more to be said for detention and internment somewhere out of India. Out of sight would be to some extent out of mind and agitation for his release might be less. Also, escape to Russia would be difficult.

9. In many ways the easiest course would be to leave him where he is and not ask for his release. He might, of course, in certain circumstances be welcomed by the Russians. This course would raise fewest immediate political difficulties, but the security authorities consider that in certain circumstances his presence in Russia would be so dangerous as to rule it out altogether.

India or trying him in India and commuting the death sentence. The two might be combined and Bose deported (or "transported") after conviction. There would be considerable long-term advantages in a trial, but reprieve might raise the question of why military officers who joined Bose's Army should be hanged. The answer would be that their position in the Army greatly aggravated their offence, but this might not be accepted by the Army.

R. F. MUDIE,-23-8-45.

Home Member

58

Mr Rajagopalachari to Sir E. Jenkins

R/3/1/106: ff 134-5a

48 BAZALULLAH ROAD, THYAGARAYANAGAR, MADRAS,

23 August 1945

Dear Sir Evan,

am glad H.E. is again going to see what can be done for us.

May I request you to place before him the enclosed note? I am very anxious and so perhaps overdoing it, but it cannot do any harm if he knows how I feel.

Yours sincerely,

C. RAJAGOPALACHARI

Enclosure to No. 58 -

23 August 1945

I welcome the announcements as to fresh elections and the consultations with Lord Wavell once again. Anything is preferable to the stagnation in which we are now caught. But frankly I do not like the very leisurely programme announced by one of the provincial governments (Madras) in this connection, which would take us late into 1946. This would furnish an excuse for continuing Sec. 93 rule in the provinces for another twelve months. We have the right to ask why so much time is wanted in India for holding elections when at the end of the European war the British elections could be completed and revolutionary change effected within so short a time as we have seen. There is

to the electorate on a false assumption which we had not troubled to correct, and that the Muslim League had been treated unfairly.

4. The best way of making an announcement of the kind I suggest might be a reply to an arranged question in Parliament on the following lines:—

To ask the Secretary of State for India

Whether, with reference to head (c) in the Draft Declaration of 1942, which is to be the basis for further discussions between the Viceroy and the political parties in India after the forthcoming elections, it is the intention of His Majesty's Government that the right of any Province to refuse to accept a new Indian Constitution should be exercised by the vote of a single community in that Province.

Reply

It is not the intention of His Majesty's Government that the right referred to should be exercised by the vote of a single community.

A reply of this kind does not commit us to any modification of the terms of the Draft Declaration or to any definition of the boundaries of Pakistan. It merely states that we do not intend that the constitutional future of any Province should be determined by any one of the communities.

5. I shall be glad to know what you think of this suggestion, which you will presumably discuss with the India Committee. If you accept it. I recommend that the question be put and the answer given as soon as possible. It will then be unnecessary for me to make any statement here—the first convenient occasion for doing so would probably be my speech to the Associated Chambers of Commerce at Calcutta in December, and this would be too late to reassure the minorities before the elections to the Central Assembly take place.

Yours sincerely,

WAVELL

## 168

## Cabinet

India and Burma Committee, I.B. (45) 6th Meeting

Those present at this Meeting held at 10 Downing Street, S.W.1, on 23 October 1945 at 12 noon were: Mr Attlee (in the Chair), Sir Stafford Cripps, Lord Pethick-Lawrence, Miss Ellen Wilkinson, the Earl of Listowel

Also present were: Mr G. H. Hall, Mr A. Henderson; Mr E. A. Armstrong and Mr J. P. Gibson (Secretariat)



### Minute 1

## L/WS/1/1577: ff 128-32

## TREATMENT OF INDIAN AND BURMESE RENEGADES AND COLLABORATORS WITH THE ENEMY

The Committee had before them I.B. (45) 16 and 18-Memoranda by the Secretary of State for India.1

THE SECRETARY OF STATE FOR INDIA said that he had felt it to be desirable to bring this matter before the Committee because the treatment of Indian and Burmese traitors could not be considered separately from the treatment of offenders of British nationality in other British territories and in Europe. The main issue was the degree of clemency which His Majesty's Government should be prepared to concede. The question of the Burmese renegades was the simplest and could be dealt with, to a considerable extent, as a separate issue. The two principal offenders were Ba Maw and U Saw. All others were of much less importance. Since circulating I.B. (45) 18, he had received a telegram from the Governor of Burma expressing the view that the only case in which a prosecution would be justified was that of Ba Maw.

Of the Indian civilian renegades recaptured in Europe and the 2,600 rounded up in South East Asia the Secretary of State for India said that the Government of India had blacklisted 129 persons, of whom they contemplated prosecution in only eight cases, two in respect of broadcasting from Germany. As regards offenders rounded up in Europe, the Government of India's view was that it would be undesirable and embarrassing to send these people back for trill in India.

The general feeling of the Committee was that there was much to be said in support of the view of the Government of India as regards the reatment of offenders rounded up in Europe.

The Secretary of State for India said that the number of Indian military offenders involved was 20,000. When the Viceroy last visited this country the understanding was that lenient treatment would be meted out to those categories which the Government of India had classified as "grey", i.e. those who were not fundamentally and incurably disloyal. There remained about 1,000 persons whose cases were being investigated with a view to their being brought to trial. It was estimated that death sentences might be imposed and executed in approximately 50 of these cases. The Secretary of State for India said that he had had discussions with the Secretary, Military Department, India Office, (Géneral Mayne), and the Chief of Staff in India, (General Swayne). They concurred in the Viceroy's view that if the death penalty was imposed it should be commuted in all cases, even where the offenders had joined forces against us, except

<sup>1</sup> Nos. 154 and 161.

in cases where they had been guilty of causing the death or ill-treatment of British or Allied subjects in or out of battle. The Secretary of State said that there was a disposition on the part of certain Indian politicians to martyrise the offenders but he thought that political agitation could be kept within bounds if death sentences were only to be executed as suggested above.

## Indian Military Offenders

In reply to a question by the Prime Minister as to whether the Commanderin-Chief had made definite recommendations in favour of the proposed lenient treatment of military offenders, THE SECRETARY OF STATE FOR INDIA said that he understood that before putting forward the proposals summarised in I.B. (45) 16, the Viceroy had consulted with the Commander-in-Chief.

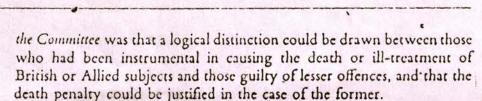
Discussion then turned on the question whether the Commander-in-Chief should be asked for an explicit statement of his views. The following points

were made:-

(1) THE SECRETARY OF STATE FOR INDIA considered that the fact that the Viceroy had consulted with the Commander-in-Chief should be regarded as sufficient evidence of the views of the Commander-in-Chief. Furthermore he understood that General Swayne in expressing concurrence with the Viceroy's proposals, was doing so on behalf of the Commander-in-Chief. He (the Secretary of State) understood that the principle of leniency had already been accepted and the Viceroy's proposals had been

worked out on this basis.

- (2) It was suggested that in determining the issue of clemency in regard to military offenders, account should be taken not only of the immediate effect on loyal members of the Indian forces, but also of the more remote consequences on the loyalty of the Indian Army to the Government of India after India became self-governing. It was argued that an army, whose attitude was coloured by the feeling that disloyalty would not be visited with severe penalties, might the more readily lend itself to action subversive of the Government. Moreover although a great rany of the offenders might well have been influenced by the same kind of political motive as had inspired e.g., the Indonesian Independence Movement, on the other hand it was a serious matter when a commissioned officer, whatever his motives, broke his oath of loyalry. To condone such action now might have incalculable consequences for independent Indian Governments in the future. For these reasons it was desirable that in determining whether our policy should be one of clemency or otherwise, we should be guided by a specific appreciation from the Commander-in-Chief.
- (3) There was general agreement that the main issue was as to the cases in which the death penalty should be imposed and executed. The general feeling of



(4) THE SECRETARY OF STATE FOR THE COLONIES said that whatever was decided with regard to India and Burma, similar action would have to be taken with regard to Malaya. Only a small number of persons were affected in Malaya, but full details were not yet available.

## Treatment of Indian Civilian Renegades

The Committee turned to a consideration of the principles which should be govern the trial and punishment of Indian civilian offenders. The following were the principal points raised in discussion:—

- (i) It was generally agreed that the only civilian renegade of importance was Subhas Chandra Bose.
  - (2) On the question whether Indian renegades rounded up outside India should be brought to India for trial, it was pointed out that it was part of the general arrangements for dealing with War Criminals that they should be taken back for trial to their own country. It was suggested, on the other hand, that consideration might be given to the possibility of civilian offenders being brought before Army Court Martials in non-Indian territories, following the procedure adopted in Europe.
  - (3) It was agreed that a clear distinction should be drawn between civilian offenders and military offenders, particularly so far as persons of lesser importance were concerned. If greater leniency were to be shown to civilians than to soldiers, it would emphasise the fact that it was no part of our policy to punish unduly genuine adherents of the cause of Indian national independence.

## Treatment of Burriese Civilian Renegades

It will are and the mass in hould be taken in the case of offenders of minor importance. The principal offender, Ba Maw, could best be dealt with if the Governor, by executive action, were to deprive him of his political rights. Similar action might be taken in the case of U Saw, and if it were taken there would be no objection to his return to Burma.

There was general agreement with this suggestion.

## Conclusions

The conclusions of the Committee were as follows:-

### Indian Civilian Renegades

(i) It was agreed to accept the view of the Government of India that offenders rounded up in Europe should not be repatriated but, having

served a period of imprisonment, should be released in the countries

where they now are.

(ii) As regards civilian offenders rounded up in South East Asia as elsewhere, the Secretary of State for India was invited to consider whether it would not be appropriate to try them on the spot by Military Court Martial on the lines followed in Western Europe.

## Indian Military Offenders

- (iii) The Secretary of State for India was invited to obtain an appreciation from the Commander-in-Chief, of-
  - (a) the immediate effect of the proposals contained in I.B. (45) 16, Annexure I on the Indian Army;
  - (b) the more remote consequences of these proposals on the Indian Army of the future in its relationship to the Government of a self-governing India.

## Burma Civilian Renegades

(iv) It was agreed that no action should be taken except in the case of Ba Maw and U Saw. The Secretary of State for India was invited to consider, in consultation with the Governor of Burma, the suggestion that the most appropriate course of action would be to deprive them, by executive action of the Governor, of their political rights.

### Minute 2

## L/P&S/13/1827: f 382

#### OBLIGATIONS TO THE INDIAN PRINCES

The Committee had before them I.B. (45) 14, Memorandum by the Secretary of State for India.2

THE SECRETARY OF STATE FOR INDIA explained that the paper dealt with the questions whether and in what way effect might be given to the suggestion made by the Viceroy in discussion with the Committee that a frank statement should be made to the Princes of the manner in which His Majesty's Government would feel bound to interpret their treaty obligations to the Indian States in the altered circumstances of a new Indian constitution. The paper indicated in outline the kind of statement which the Viceroy might make after the elections and the nature of the discussion which he should hold beforehand with the more important Rulers and Dewans.

THE PRESIDENT OF THE BOARD OF TRADE thought that the Committee should see the draft of any statement which the Viceroy would propose to make to the Princes in the suggested discussions. It would be necessary to consider

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Copy of a letters from Khurshed Baoroji to Louis Fischer

Dear Fischer -

I enclose a copy of Gandhlji's letter, as desired by you. But please don't think that he is not with us. I have been with him since my release from prison and he put the constructive Programme before the country which was overlooked by the working Committee when they decided on constitutional methods.

Since the release of his colleagues of the Working Committee he has gone with them because they were not prepared to go with him but Gandhiji is essentially a man of action and when the time comes, he will take the country with him.

The Socialists are merely implimenting the constructive programme in the light of present circumstances, We must go to the people and forge mass sanctions. The people want to know the shape of things to come. Grouping of the provinces or the question of sovereignty does not touch them, they want a plan. Let our leaders go to the Govt. sponsored Constituent Assembly and we remain with the people to share their joys and sorrows. When the time comes we shall be one.

The Socialists do not want violence any more than does Gandhiji but what is practiced non-violence, we say nonkilling. We have to put non-violence in to practice and not just go talking of truth of non-violence. People want deals and not words. For twenty years we have talked on the ideal Govt. and the practical stage for us today is Panchayat Raj. Our people are very patient but even their patience is wearing thin. All Congress and the nationist minded people are one but our headache is the Indo-Angle-Russians. The foreign Govt. has built them up to fight the Congress and will have to deal with them now. They are going underground and if before the time the Allies (excluding Russia), have a scrap with Soviet Russia, India is not satisfied

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with the results of the Constituent Assembly. She will go over entirely and absolutely to the enemies of the Allies. The Indian army (not the Indian National Army) is no longer of the same temper as it was in the first world war. Besides the disaffection amongst the Indian officers and the rank and file, a revolutionary group has been working amongst them and they are pro-Russian. There have been many cases a court martial in the Indian army on individuals and platoons during the last war both in India and abroad. There have been mass desertions in the regular army and minor reaps in the N.W.F. Province at the beginning of the last war.

At heart the Indian army is sympathetic with the Indian National Army. If Bose comes with the help of Russia neither Gandhiji nor the Congress will be able to reason with the country. Also Russia for propaganda purposes declares itself an Asiatic country then there is no hope of any European alliance acceptable to India. Procedom for India under the aegis of Soviet Russia is no freedom for us; but it now rests with England to play fair by the people of India or be declared by us for ever as the enemy of India and of the Asiatics. There are other groups in north India pro-Rissian, but after Russia joined the Allies they lost caster. However the bitterness towards the English is so great that Russia will again come into favour on the event of any disagreement amongst the Allies.

Candhiji is not touched with the international reactions but we can't afford to neglect the signs of the time specially when it concerns our freedom,

Yours, Khurshed

ANNEXURE-E

The list of documents/Records/files as described in paragraph 21 of the writ petition amongst other documents.

War records of the U.K. Government Relating to Subhas Chandra Bose and I.N.A. including the following documents:

- i) Report of C.S.D.I.C. signed by Capt. Biren Chakraborty on or 30/31st December, 1945 and counter signed by Col. Stevenson:
- ii) Report of Figges., submitted to the Government of India on October 8,1945 and Report of Intelligence Bureau, New Delhi, dated May 19,1946 (No. C-5)
- iii) Documents on Netaji Categorised as "Top Secret" are in the possession of the U; K; National Archives, which will be published after 125 yrs. from the date of Transfer of Power.
  - iV) Diary of Lord Mountbatten;
  - V) Anglo-American Intelligence Report;
- Vi) Communication between Mec. Aurther and Lord Mountbatten relating to Subhas Chandra Bose;
- Vii ) H. Q. Main File 273 Misc. I. N. A. 10 Misc.;
- Viii) Ble No. 249-INA-I and II(H)G.H.Q. case on Subhas Chandra Bose
- ix) Secret No. 63/2/10 G. S. I(b) H.Q. SACSEA COMMISSION No. 1, Saigon, 18th October, 1945;
- x) Report of SACSEA COMMISSION 1, relating to Subhas Chandra Bose and I.N.A.;
- xi ) Allied Secret Report Sub: Subhas Chandra Bose and INA;
- xii ) Report of SEATIC SECTION Intelligence Assault Unit. 7th
  IND DIV ALF SIAM with all the SEATIC DOCUMENTS 128;
  - xiii) Records of Tokyo Trial (War Criminals);

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- b) War Records of U.S.A. relating to Subhas Chandra Bose and I.N.A. including the following documents:
- 1) U.S. Naval Intelligence Report relating to Netajils activities from 17th August to 25th August;
- dent, Truman between August 17 to August 31, 1945 regarding Subhas Chandra Bose;
- 111) Milled Intelligence Report on Subhas Chandra Bose and I.N.A.
  - iv) Record of Tokyo Trial (War Criminals);
  - v) Communication between Mac. Aurther and Mountbatten during the period of August 17 and August 31,1945 celating to Subhas Chandra Bose .
  - c) War records of U.S.S.R. in connectionx with Subhas Chandra
    Bose and I.N.A.
  - d) War records of Japan from 1944 to August 31,1945 in relation with Netaji Subhas Chandra Bose and I.N.A.
  - e) War records of Germany (both East & West) from 1941 to 1943 relating to Netaji Subhas Chandra Bose and I.N.A.
  - and activities of Subhas Chandra Bose and I.N.A. personnels at Shanghai, Unan and Sinkiang during July and August, 1945.
  - g) Prime Minister's Secretariat File during the period of Pandit "ehru including the following Secret Files:



1A, 2-A, 3-A, 6-A, 8-A, 16-A (U.O. Note No. D/S-866, dated . August 24, 1953, from P. M's Secretariat to Mohd. Yunus, MEA (SEA. B BR), 17-A (U.O. Note No. D. 3788-8EA/53, dated August 27, 1953, 2 from Mohd. Yunus US. ME A (SEA) to P. M's Secretariat, 27-A (Memo No. 2/53/1971/3/601 (151) dated October 13,1953 from Mohd. Yunus. MEA (SEA) to P.M's Secretariat ), 33-B (letter No. 20/62 (Accts) dated April 82,1954, from the Joint Secretary, INA(Enquiry and Relief Committee, 82, Daryagani, Delhi to the President),34A (Rajya Sabha's Starred Question No. 560 dated September 28, 1954) 35-B (Note for supplimentaries), 37-A, (Lok Sabha starred Question No. 334 dated August 2,1955), 37-BCD (Enclosures to S. No. 37-A). And Notes 11,12,13,14,15,18,19,23,24,25,26 and 29, File No. 23 (156)/51-P#M. (Indian National Army (INA) in the Far East) 23(II)/56-57PM (INA Treasure), 12 (226)/56 PM (Investigation into the circumstances leading to the death of Subhas Chandra Bose )

- h) Hastory of INA (by Late Dr. Pratul Chandra Gupta)lies with the Defence Department since long.
- i) Pandit Nehru's letter to Mr. Attlee, Prime Minister of the United Kingdom during 1945 to 1947, relating to Subhas Chandra Bose.
- Fisher and Khurshed Naoroji, Louis Fischer and President of U.S. A and also top political Leaders of U.S.A., Louis Fischer and the Prime Minister of U.K. and other top Political Leaders of U.K. in relation to Netaji and India's independence.
- k) "Top Secret" documents relating to Subhas Chandra Bose are in the possession of the USSR National Archives.



রেনকোজি গুলির ভুগ্যাভূত

कारिक, स रमस्पेपन कि मि क)। सक विकारी क्रीप्रकारण कामारना कृष्ठव बस्टक मुक्तमा केरिकामिक द्वारकृषि त्याद अभिनारि अनुन्दं कर्माकृत स्टम्स्ट्रा कृष्टि विकास अद्युक्त स्टारना क्रिस् भूतिरमा वृष्ट्या स्टब्स्ट्रा क्रानादमा क्रिस् अत्र प्रकार दक्ष कार्य सन्ति। क्राना रमस्य प्रकार दक्ष कार्य सन्ति। क्राना रमस्य।

## English Translation of the News

BARTAMAN CALCUTTA SEPTEMBER 5, 1989

RENKOJI TEMPLE BURNT TO ASHES

TOKYO, 4, september (D.P.A.) :

According to information received from Police sources to day, a devastating fire breaking out at day-break has completely destroyed Japan's historic three hundred and forty five years old Renkoji, Buddist Temple. No one is reported to have injured in this mishap. Information received that the fire broke out at dawn of the day.

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ANNIXURE - GE

Mr. a.J. Bhattacharjee

HIGH COURT, CALCUTTA

Bar Association Room No. 2

Phones: 2485579/3190/3169

Residence:

## Regd. With A/D

4-9-1998

To, Sri Mulayam Singh Yadav Union Minister of Defence South Block, Central Secretariate, New Delhi-110001

Bri Indrajit Gupta Union Minister of Home Affairs, North Block, Central Secretariate, New velhi-110001

Sri S.d. Bommai Union Minister of Human desources and Development, Sri Aurobinda Marg, New Delhi -110016

The Secretary, Ministry of External Affairs, South Block Central Secretariate New Delhi - 110001

Dear Sir,

I understand from several news paper publication in Calcutta on 27th August, 1997 that according to news paper report you are going to bring the alleged ashes said to be of Netaji Subhas Chandra Bose from denkoji temple, Japan.

Please acknowledge the receipt of this letter and inform me whether the news paper report is correct or not within 7 days from the date of receipt of this letter failing which it shall be presumed that the News paper report is correct, since you have not contradicted the said report till date.

Thanks.

Yours faithfully,

AUVOCATE

ভাৰতে স্বাধিক প্ৰচাবিত প্ৰথম :

১১ ভার ১৪০৪ বুধবার ২৭ অগস্ট ১৯১৭ শহর সংখ্যের ২.৫০ টাকা



wet " cales beles" (Fre किंद्र बनाट देशानी झक लाईर मक्का । जांक प्रतिकार्ती स्टार्ट नित्व राज्य श्रहात्म क्यान क्राव्यक संबद्ध व्यवस्थित हैं द्वार क्ष दार । रा विकार दान्त औ SEM 1 SEG SEGA AMERICA TILL वास्ता मर्राष्ट्री मन भएका मरू कथा कार ।" वाकार हिन स्मित्र महान्य (व মৰিপায় এত দিন প্ৰতিক্ৰতা মহাক্ৰয় दिशकार हैन्द्र वास कर्क व्याहारनर मत्य तर्वत मन्त्रमान देखा औ का बार (राजिएक शर प्राप्त का क्नावर । तरे व्यक्तात्म नव त्यक्तिर क्रिकंड एक प्रताह केवारपट क्य. मार्शिक्यकः नान कृताकः। सामार्थः रम्बादन शक्ति हिस्स्त । साहाँ वर्तन. चित्र विश्वास मित्र चलाइ क्रम क्रम विश्र श्रा क्या व्या व्याप रोज क्लिन स्टब्न एक, ज़रुबिक एरेड पाद्यम् । तीत जागास्त्र, विश्व की करन ? থাক। বিখানে তো আৰাও করা বার না।

विष् र्राष्ट्र निर्देश निर्देश कर्ष कारता हो יים פינו יום דינות בינן אייריי יבו שוני הבוצי לינובים ושים দিবিকে অন্যত্ন উলেগী হতেলৈ নালিতে 1578 F: . \*

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MANCE MAD DACE CE :--दर जिटानिक स्थापनर नमस्या उनिरंदर कृतिर काम जिल्ला हराना ट्रार : कारत (मावर्गाम अने हर गा. ज़र्राकर पुरुष्टिं एका सरिविक वक. ्मध्य माना किएमा विकास देश न्तरपंतर नवान निष्ड भा । विवस्त (नव नर्दंड कानामार नकार । नकरि मृत्यिक क्यांक अप मित्यद्व महत्त्व रह तक विनिष्ठ करून सम्बद्ध अका का दर. (नक्षकि काम निरम्भः नुक्ताः टर्ड प्रवर्षास्य देनानि (क्ल्या बार्ड म ।

এইসৰ অভিজয়া সংৰও সম্বৰণ নতুন हाराज १ काइ. मिरायाद स्का इ.पड भवाका, 'तरावित श्रवि वदा' कर पुष्टि क विराजना ने अब अध्यात कारण । me serie minute series series हो सर्व कारत द्रावकित वहिनीत गर

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ANNEXURE - H.

By Rogd Post

12 Th secember, 1997

To:
The Prime Minister of India
And
Minister-in-Charge, External Affairs
& Commonwealth Relations,
Union of India,
New Delhi - 110 001

Sir,

As responsible and patriotic citizens of India we have right to know the important historical events relating to political, social and economic developments of our motherland. It is equally most sacred duty of every citizen to gather knowledge about the historical personalities who are responsible for moulding the destiny of their motherland. Perhaps in this mission Netaji Shri Subhas Chandra Bose is second to none. It is for Shri Subhas Chandra Bose, British left India after transferring political power to the hands of Indians.

If the entire facts and circumstances of the mysterious disappearance of Netaji Shri Subhas Chandra Bose are revealed, our above mentioned contention would be proved beyond any shadow of doubts. Only the collaboraters of the imperialist, fascist and communal forces may disagree with us.

So, it is considered most important by us as responsible and patriotic citizens of India to know:

(i) Whether the name of Netaji Shri Subhas Chandra Bose was and still is in the list of "WAR CRIMINALS" declared and/or drawn by United Kingdom, United States of America and their allies, including the then British India Government after the Second World War.

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- (ii) If his name still exists and if they request the Government of India to hand him over to them, if he is found on Indian soil, for being tried as a "WAR CRIMINAL", whether the Govenment of India will have the obligation of handing him over to them for the aforesaid purpose;
- (iii) Whether the declaration made by the Allies in regard to "War Criminals" has nothing to do with the Government of India and if so, whether the Government of India would state categorically that the declaration in regard to "War Criminals" does not bind this Government.

It may be mentioned here for your information and convenience that:

- (a) Late Shri Suresh Chandra Bose, elder brother of Netaji Sree Subhas Chandra Bose, as a member of the Netaji Inquiry Committee (1956) in a letter dated 2nd April, 1956, asked the Prime Minister Pandit Jawaharlal Nehru to clarify: "Whether the name of Netaji Subhas Chandra Bose was and still is in the list of War Criminals drawn up by America and her allies". Pandit Nehru conspicuously remained silent over this vital question and Pandit Nehru, in his life time, never answered this question for the reason best known to him.
- (b) Appearing before the Netaji Inquiry Committee (1956), headed by Shahnawaz Khan, Late Mathuramalinga Thevar, Ex-Member of Loksava, asked almost identical question to Shahnawaz Khan. The reply of Shahnawaz Khan was:
  - (i) "The Government of India is not in possession of any information (whether Netaji is still a War Criminal). This information lies with the U.K. and U.S.A. The Government (of India) cannot issue categorical statement in regard to this question (whether the Government of India would state categorically that the declaration in regard to War Criminals does not bind this Government)".

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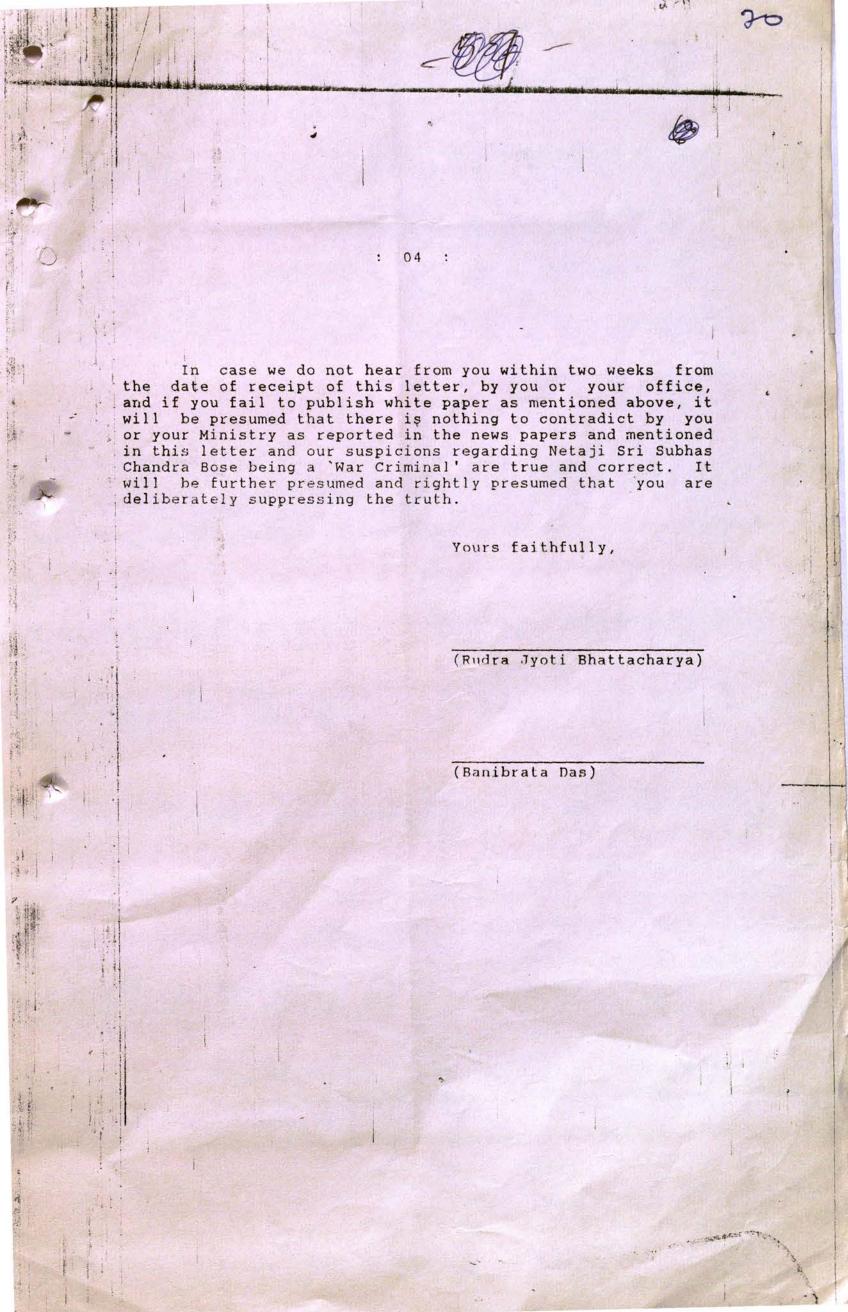


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- (c) In reply to the submission mady be Shri Niharendu Dutta Mazumder, Counsel of Late Shri Suresh Chandra Bose, before Netaji Inquiry Commission (1970), Justice Khosla, Chairman of the Commission, pronounced on 21st January, 1971: "With regard to the statement I made in Delhi that Netaji's name should not go on any WAR CRIMINALS LISTS, that of course, will be proved in due course and I trust to your satisfaction."
  - (i) In spiite of his pronouncement, twice, in course of Netaji Inquiry Commission's proceedings Justice Khosla did not and/or could not satisfy the counsels and the Citizens of India at large, producing documents which would have proved that Shri Subhas Chandra Bose's name was and/or is not in any way War Criminal's Lists. There is not even a whisper about this in his findings.
- (d) Mr. Surenji Goyal Retired Air Vice-Marshal, Indian Air Force, by and through a letter dated 15th February, 1997 to the Secretary General, United Nations Organisation, seeking his intervention against dubbing Netaji as War Criminal. In reply to the said letter the Executive Office of the Secretary General communicated to Sri Goyal by and through a letter dated 1st May, 1997 that "No United Nations Agency or publication would use the term War Criminal in reference to Netaji in the future.
- (e) The said information was widely published in almost all the leading News Papers in India of which, we hope, the Government of India is well aware of.

  About six months have passed, the Government of India have not yet contradicted the said News.
- (f) We, on behalf of citizens of India, demand a Comprehensive white paper containing all the documents, informations, relating to the Mysterious Disappearance of Netaji Shri Subhas Chandra Bose, since 18th August, 1945.

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# 71

S. No. H

MOST IMMEDIATE

VI/11034/18/98-IS(D.III)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

New Delhi, dated 30.3.98

31 MAR 1998

To

Smt. S. Bhattacharya Central Govt. Advocate Ministry of Law & Justice Department of Legal Affairs Branch Secretariat 4, K.S. ROy Road, Calcutta-700001.

Subject: W.P. No. of 1998 Rudra Jyoti Bhattacharjee
VS
Union of India & Ors.

Sir,

Please refer to your letter No.11018/62/98-Lit.II/551, dated 13th Feb., 1998 on the above public interest petition which was to come up for admission before the Hon'ble Justice Mrs. Ruma Pal on 16th February, 1998.

It is requested that a clear copy of the Writ Petition may please be sent as portions of the petition are not legible. It is further requested that this Ministry may please be intimated as to whether the said petition has been admitted or not.

Yours finithfully,

( P. DEV ) SECTION OFFICER

M in land





TEL/FAX : 301 5785

भारत सरकार GOVERNMENT OF INDIA गृह मंत्रालय MINISTRY OF HOME AFFAIRS NORTH BLOCK, NEW DELHI-110 001.

संयुक्त सचिव JOINT SECRETARY

D.O.No.19/12/98-Public

June 9, 1998

Dear Smt. Gairola,

I enclose, in original, Judicial Section's ID No.23/1/98-Judi.-Vol-II dated 01.06.1998 regarding Writ Petition No.281 of 1998 (Rudra Jyoti Battacharjee & Anr. Vs Union of India).

Since the subject matter concerns your Division, I shall 2. be grateful if you will please take necessary action.

With regards,

Yours sincerely,

(YA\$HWANT RAJ)

Encl. as above

Smt. Sangita Gairola, Joint Secretary(IS-I), Ministry of Home Affairs, North Block, New Delhi.

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TELEGRAM: LAWCENTRAL TELEX: 021-4992-LAW-IN

FAX: 033-2485215 & 033-405191

Government of 2/9 8 milita II/ central Govt. Advocate Ministry of Law & Justice Tel.No.248-6515(Off) Department of Legal Affairs ) Branch Secretariat

4, K.S. Roy Road, 7486516 Calcutta-700 00:

Dated, the 18th May, 1998.

Smt.S.Bhattacharya

455-0399(Res.)

The Secretary, Ministry of Human Resources Development, Rishi Aurobinda Marg. New Delhi - 110 015.

The Secretary, Ministry of Home Affairs, North Black, New Delhi - 110 001.

No.

The Secretary, Ministry of E ternal Affairs, South Block, New Delhi - 110 001.

Subject: W P No. 281 of 1998 Rudra Jyoti Bhattacher jet & Anr.

Union of India

Dear Sir,

Please note that the above matter was heard on 30.1.1998 before the Hon'ble the Chief Justice Prabha Sankar Mishra and the Hon'ble Justice Bhaskar Bhattacharyya when after hearing both the parties Their Lordships have been pleased to pass the following order:-

> If anybody declares Notaji as a war ereminal he will be declared as a traiter. Ne publication regarding Netaji's death without any authenticity. An enquiry commission to be constituted regarding Netaji's death.

The plain copy of the said order will be forwarded to you as soon as it is received from the Hon'ble Court.

Yours faithfully,

6/8/3 ( S Bhattacharyya ) Central Government Advocate

shot

## BY FAX

# NO.VI/11034/18/98-IS(D.III) GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS



MOST IMMEDIATE

New Delhi, Dated: 12.6.98

To

Smt. S. Bhattacharyya
Central Govt. Advocate
Deptt. of Legal Affairs
Branch Secretariat
4, K.S. Roy Road
Calcutta-700001.
Fax: 033-2485215 &
033-406191

Subject:W P No. 281 of 1998 Rudra Jyoti Bhattacharjee & Anr. Vs Union of India.

Sir/Madam,

I am directed to refer to your letter No. 11018/62/98/Lit. II/1890 dated 18.5.98 on the subject cited above and to say that no response was received from your side to this MInistry's earlier letter of even number dated 31.3.98 wherein it was requested that a legible copy of the writ petition and also whether the case had been admitted in the hearing on 16.2.98.

Pl csem

2. Now with reference to your letter referred above it is requested that a certified copy of the order may please be furnished in this Ministry immediately to enable this Ministry take a view in this regard. You are also requested to intimate the time limit for filing a review petition in the court in this regard if the court in this regard in the court in this re

Yours faithfully

1 In al

(P.DEV) SECTION OFFICER

12/6



MOST IMMEDIATE

# MINISTRY OF HOME AFFAIRS IS(D.III) DESK

Subject: W.P. No. 281 of 1998-Rudra Jyoti Bhattacharjee & An. Vs Union of India reg. Netaji.

Ministry of Law & Justice, Deptt. of Legal Affairs letter No. 11018/62/98-Lit.II/1890 dated 18.5.98 on the subject cited above may please be referred to (copy enclosed). The Central Govt. Standing Counsel has intimated that Calcutta High Court has passed an order on 30.4.98 on the above cited writ petition. The Ministry of HRD has been made the Ist respondent as per the court order.

2. It is requested that the action being taken in this regard by your Ministry/Deptt. may be intimated to this Ministry so the comprehensive view on the whole issue may be taken.

(P. DEV)
SECTION OFFICER

al som

Dept. of Culture (Shri K.K. Chugh, US), Min. of HRD, Shastri Bhavan, New Delhi.

MHA UO No. VI/11034/18/98-IS(D.111) dated: 12.6.98

ISSUE P. Brook N.-189

Street !



MOST IMMEDIATE

## MINISTRY OF HOME AFFAIRS IS(D.III) DESK

Subject: W.P. No. 281 of 1998-Rudra Jyoti Bhattacharjee & An. Vs Union of India reg. Netaji.

Ministry of Law & Justice, Deptt. of Legal Affairs letter No. 11018/62/98-Lit.II/1890 dated 18.5.98 on the subject cited above may please be referred to (copy enclosed). The Central Govt. Standing Counsel has intimated that Calcutta High Court has passed an order on 30.4.98 on the above cited writ petition. The Ministry of External Affairs have also been made a respondent in the case.

2. It is requested that the action being taken in this regard by your Ministry/Deptt. may be intimated to this Ministry so the comprehensive view on the whole issue may be taken.

1. May

(F. DEV) SECTION OFFICER

MEA(Shri P. Balakrishnan, SO), South Block, New Delhi

MHA UO No. VI/11034/18/98-IS(D.III) dated: 12.6.98

Municipality

Issue prook N.4

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BY FAX

MOST IMMEDIATE



NO.VI/11034/18/98-IS(D.III)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

New Delhi, Dated: 15.6.98

To

Smt. S. Bhattacharyya Central Govt. Advocate Deptt. of Legal Affairs Branch Secretariat 4, K.S. Roy Road Calcutta-700001. Fax: 033-2485215 & 033-406191

Subject: W.P. No. 281 of 1998- Rudra Jyoti Bhattacharjee & An. Vs. Union of India reg. Netaji.

Sir,

Please refer to this Ministry's earlier fax message of even number dated 12.6.98 on the subject cited above. It is once again requested that certified copy of the order may please be furnished to this Ministry immediately. You are also requested to intimate the time limit for filing a review petition in the case and the steps to be taken in this regard.

Yours faithfully

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(P.DEV) SECTION OFFICER

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Odlied.

No. 11018/62/98-II Government of India Ministry of Law & Justice 4 K S Roy Road, Calcutta-1 Dt.: 15.06.98 To Shri P. Dev Section Officer Govt.of India Ministry of Home affairs North Block, New Delhi Subject: WP No. 281 of 1998 Rundra Jyoti Bhattacharjee & Anr. \_vs\_Union of India Sir, Enclosed please find herewith a copy of the writ petition and supplementary affidavit filed on behalf of writ petitioner for your information and necessary action.
We have already applied for the certified copy of the
dictated order/judgement dt. 30.4.98 passed by the Hon'ble
Mr. Justice Prabha Shankar Mishra, the Chief Justice and the
Hon'ble Mr. Justice B. Bhattacharya on 6.5.98. The said dictated order/judgement will be delivered to your as soon as it is received from the Hon'ble Court. Thanking you, Yours faithfully, 800 16 Hd. ( S. Bhattacharya ) Enelo; As above. Central Govt. Advocate

W.P. No. 281 of 1998
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

ORIGINAL SIDE

## IN THE MATTER OF :

An application under Article 226 of the Constitution of India ;

-And-

## IN THE MATTER OF :

A writ of and/or order or direction in the nature of Mandamus, Certiorari and Prohibit:

-And

## IN THE MATTER OF :

Right to know as implicit under Article 21 of the Constitution of India;

-And-

## IN THE MATTER OF :

with holding of information about the where abouts of Metaji Shri Subbas Chandra Bose after his departure from signapore in Augus 1945 in the wake of the surrender of Japan in the second world war :

- And-

## IN THE HATTER OF :

Right of the people of this Country inclue ding the petitioners berein to know the x true and correct facts about the mysterious disappearance of Netaji Shri Subhas Chandra Bose on and after August 18, 1945 and to have the deliberate dissemination of palpably wrong information about him to be stopped and/or withdraw forthwith;

-And-

## IN THE MATTER OF :

Representation dated 4-9-1997 :

- Ind-

## IN THE MATTER OF :

Representation dated 20th October, 1997 and 27-1-1998 ;

- And-

## IN THE MATTER OF .

Representation dated 12-12-1997 ;

-And-

## IN THE MATTER OF .

L. Budra Jyoti Bhattacharjee, son of Sri Santogi Kumar Bhattacharjee, resident of Flora Park, Goaltuli, P. S. - Chinsurah, P. O. & District-Hooghly;

2. Bani Brata Des, son of Sri Baldyanath Das, resident of 408, Kumargoli, P.O.&P.S.-Chin-surab, District-Hooghly .

### -VEASUS-

- 1. Union of India, service through the Secreta Ministry of Defence, South Block, New Delhi-001.
- 2. The Secretary, Ministery of Numen Resources and Developme Rishi Aurobinda Marg, New Delhi-110 016 .
- 3. The Secretary, Ministry of Home Affairs, Union of India, his ving office at North Block, New Delhi-110

- 4. The Secretary, Ministry of External Affairs, Union of India, South Block, New Delhi-110 001;
- 5. The Asiatic Society, Calcutta through the Secretary of the said society having its office at 1, Bark Street, Calcutte-700016

... RESPONDENTS

# SUPPLEMENTARY AFFIDAVIT

I Hudra Jyoti Bhattacharjee son of Sri Santosh Kumar Bhattacharjee aged about 42 years by faith Bindu, by resident od 225, Flora Park, Goaltuli, P. O. and District-Hooghly do hereby solemnly affirm and say as follows;

- am well acquainted with the facts and circumstances of the present dispite and also I have been authorised by the writ petitioner No.2 to affirm this affidavit on his behalf and as such I am competent to affirm this affidavit.
- 2. That subsequent to billing of the writ petition the petitioners obtained certain documents which are very much relevant for adjudication of the matter and accordingly the petitioners intend to file the instent affidavit.
- 3. That a text book of Mistory prescribed for class IX written by Sri Bipsa Chandra and published by the centre for cultural Resources and training, an autonomous organisation under the Department of culture, Government of India, containing reference of the alleged death news on 18th August, 1945.

A copy of the page of the said book is annexed hereto and marked with the letter 'M' .

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4. The respondents conferred 'Bharat Ratne' award posthumously and issued a press communique dated January, 22, 1992, which has been deliberately suppressed before the Hon'ble Supreme Court in course of hearing of a writ petition Bijan Ghosh -Vs- Union of India & Ors, which is malafide and unfair in all respect.

A copy of the said press communique is annexed hereto and marked with the letter 'M' .

5. That the schollars from Asiatic Society visited Russian Archives, in terms of article 68 of the programme of Gultural, Scientific and Educational exchange between the respublic of India and the Russian Federation. But, the I said Schodlars felt that the Ministry of External Affairs, Government of India has an apathy and lack of Co-operation to Anfold the mystery, whereas Russian Bovernment was much generous to co-operate with the Indian schollars. The reason behind such non-co-operation of respondents not known to the petitioners.

A copy of the Protocol, pressn note by the General Secretary Acting is tary, Asiatic Society and letter of General Secretary Acting is ennexed hereto and collectively marked with the letter '0).

the writ petition about the continued existence of Metaji Subhas Chandra Bose much after the 18th August, 1945 and decumentary evidences annexed therewith, the other important secret sammunication note by Military Intelligence dated 14th
September, 1945 and Field Marshal Viscount Wavell's secret
communication dated 20th August, 1945 to Lord Pethick Lowrence

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establish firmly that Metaji Subhas Chandra Bose did not die in the alleged plane crash on 18th August, 1945 .

a copy of the said letters dated 20-8-1945 and dated 14-9-1945 are 'P' annexed besevith and marked with the letter 'P' .

7. The petitioners in support of their statement made in paragraphs 25(d) and25(e) of the writ application could collect copy of the respective letters very recently where from it appears that Metaji Subhas Chandra Bose was described as "War Criminal" by the British Government But after the transfer of power in 1947 the independent dominion of India has continued international personality of old India and the Secretariate of United Nations organisation in Nu-York shall never raise any question about the continued membership of the independent dominion of India and as such its International status regarding rights, responsibilities and obligations as a member country of United Nation's remains unaltered. for which it could be assumed that India as of its obligations has ratified the Non-applicability of statutory Limitation to War Crimes and crimes against humanity on 12th January, 1971. The continued international status of India would be evident from Transfer of power, volume 12 at page 607 printed from Her Hajesty's stationary office .

A copy of the letters and Treaties and international agreement are annexed hereto and collectively marked with the letter

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8. Petitioners submit that the instant affidevit alongwith its annexures may be treated as a part and parcel of the writ application as those are very much relevant for adjudication of the present dispute.

The statement made in paragraphs 1,2,3,4,5,6 and 7 are true to my knowledge and those made in paragraphs 7(partly) and 8 are my humble submissions before this Hon'ble court.

Solemnly affirmed by the said Sri Rudra Jyoti Bhattacharjes on this the day of April, 1998 at the Court House in Calcutta.

Before me

Commissioner.

Before the arrival of Subhas Bose, steps towards the organisation of the INA had been taken by General Mohan Singh (who had been a Captain in the British Indian Army). The INA was joined in large numbers by the Indian residents in South-East Asia and by Indian soldiers and officers captured by the Japanese forces in Malaya, Singapore and Burma. Subhas Bose, who was now called Netaji by the soldiers of the INA, gave his followers the battle cry of Jai Hind'. The INA joined the Japanese army in its march on India from Burma. Inspired by the aim of freeing their homeland, the soldiers and officers of the INA hoped to enter India as its liberators with Subhas Bose at the head of the Provisional Government of Free India.

With the collapse of Japan in the War during 1944-5, the INA too met defeat, and Subhas Bose was killed in an aeroplane accident on his way to Tokyo. Even though his strategy of winning freedom in cooperation with the fascist powers was criticised at the time by most Indian nationalists, by organizing the INA he set an inspiring example of patriotism before the Indian people and the Indian army. He was hailed as Netaji by the entire country.

## Post-War Struggle

With the end of the war in Europe in April 1945, India's struggle for freedom entered a new phase. The Revolt of 1942 and the INA had revealed the heroism and determination of the Indian people. With the release of the national leaders from jail, the people began to look forward to another, perhaps the final, struggle for freedom.

The new struggle took the form of a

massive movement against the trial of the soldiers and officers of the INA. The Government decided to put on trial in the Red Fort at Delhi Shah Nawaz Khan, Gurdial Singh Dhillon, and Prem Sehgal, officers of the INA, who had earlier been officers in the British Indian army. They were accused of having broken the oath of loyalty to the British Crown and thus of having become 'traitors'. On the other hand, the people welcomed them as national heroes. Huge popular demonstrations demanding their release were held all over the country. The entire country now seethed with excitement and confidence that this time the struggle would be won. They would not let these heroes be punished. And the British Government was this time in no position to ignore Indian opinion. Even though the Court Martial held the INA prisoners guilty, the Government felt it expedient to set them

The changed attitude of the British Government is explained by several factors.

Firstly, the war had changed the balance of power in the world. Not Britain, but the United States of America and the Soviet Union emerged from the war as the big powers. Both supported India's demand for freedom.

Secondly, even though Britain was on the winning side in the war, its economic and military power was shattered. It would take Britain years to rehabilitate itself. Moreover, there was a change of government in Britain. The Conservatives were replaced by the Labour Party, many of whose members supported the Congress demands. The British-soldiers were weary of war. Having fought and shed their blood for nearly six years, they had no desire to spend many more years away

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# Annexure E' 254

NOT TO BE PUBLISHED OR BROADCAST BEFORE THE MORNING
OF 23RD JANUARY, 1992.

PRESS COMMUNIQUE

BHARAT R TNA

The President is pleased to confer the award of Bharat Ratna Posthumously on Shri Subhash Chandra Bose.

Rashtrapati Bhavan, New Delhi. January 22, 1992.

NOT TO BE PUBLISHED OR BROADCAST BEFORE THE MORNING OF .23RD JANUARY, 1992.

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## THE ASIATIC SOCIETY

Founded in 1784

(An institution of National Importance declared by an Act of Parliament )

1, Park Street, Calcutta-700 016

16145

Date 1 10.12.96

ofessor Anil Kumar Sarkar geral Secretary (Acting)

Dear Shri Narayan,

Thank you for your D.O. letter No. 4075/JS(EE)/96, dated November 26, 1996 regarding our request for taking up the matter of allowing access to our Research Professors to President's Archives, the Archives of the Foreign Security Service and the Archives of the Army General Staff of Russia.

We appreciate very much your suggestion. Actually we had tried that avenue but were advised by our counterpart organisation and the scholars that the Russian Government may allow access to all these archives provided a request comes from our Government. Hence the request.

We hope you will realise that in preparing an authentic history of Indo-Russian relations our scholars are facing difficulty in completing their study. If you kindly help by passing on a request to the Government of Russia then, we are told, our problem will be over and the scholars will be able to complete their study.

We hope you will kindly extend your help and support in the matter.

With kind regards,

Shri R.L. Narayan
Joint Secretary (EE)
Ministry of External Affairs
Government of India
South Block
New Delhi

Yours sincerely,

(An) Kumar Sarkar)

Annexure'M' Colly - 284-

## PROTOCOL

OF COOPERATION BETWEEN THE
ASIATIC SOCIETY CALCUTTA,
INDIA AND THE INSTITUTE OF ORIENTAL
STUDIES MOSCOW, RUSSIA,
FOR BRINGING OUT WORKS
REFLECTING TIES
BETWEEN
INDIA AND RUSSIA

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In terms of article 68 of the Programme of Cultural. Scientific and Educational Exchange between the Republic of India and the Russian Federation for the years 1993-1995, the Institute of Oriental Studies, Moscow, Russian Academy of Sciences and the Asiatic Society, Calcutta agree to a joint programme for bringing out collected works on the age old ties by delving into the past to search for the roots of the cultural links between India and Russia since the 15th century and beyond, with special reference to the 19th century and first part of the 20th century that is up to 1917 in three volumes (vol.1, vol.2, vol.3) and another volume based on archival materials in Russia from 1917 to 1947 (vol.4).

- 1. The Institute of Oriental Studies, Moscow will be responsible financially and otherwise for:
- a) Compilation of the texts by exploring the original materials and executing the initial processing of the documents of the Russian archives in connection with the Indo-Russian political, economic, cultural, spiritual, scientific military and other relations of the 19th century (vol.1) and of the begining of the 20th century (vol.2).
- b) Scientific processing and preparation of the annotations of the collected documents. Preparation of the bibliography and indexes of geographical and other names.
- 3. The total work of the first volume of approximately 800 typed pages relating to the 19th century period has been xeroxed and made ready by the 15th September 1994. The

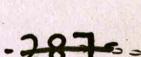
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Annexure M all

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Asiatic Society, Calcutta is already collaborating with the scholars of the Institute of Oriental Studies, Moscow in this matter.

- 3. The second volume Indo-Russian Relations of the first part of the 20th century (upto 1917) will be of approximately 800 pages (typed) and will be ready by the end of 1996.
- 4. The Asiatic Society will bear the cost of translation from Russian to English as well as the publication of volume 1 (19th century) and volume 2 (20th century upto 1917).
- 5. The Asiatic Society, Calcutta will be entirely responsible for the volume 3 relating to the earlier period from the 15th century and beyond. The last volume (vol.4) is to be based on archival materials in Russia from 1917 to 1947, especially related to the Indian Freedom Movement. For collecting materials for vol.3 and vol.4 the Russian Institute of Oriental Studies, Moscow shall offer necessary academic cooperation.
- 6. Indian scholars will be deputed by the Asiatic Society, Calcutta from time to time to execute this work with the help of the Institute of Oriental Studies, Moscow. Under a stipulation for exchange of scholars, a research professor of the Asiatic Society, Calcutta will visit Russia periodically for three years and one research professor from the Institute of Oriental Studies, Moscow will work periodically in the Asiatic Society, Calcutta during the project period.



7. The Institute of Oriental Studies, Moscow will welcome suggestions from the Asiatic Society, Calcutta and agrees to induct the related materials of the Indian archives into the works. It is noted that withdrawing of individual documents from the archives should be avoided, except when temporarily needed for terminological indexing.

- 8. On behalf of the Institute of Oriental Studies. Moscow, the chief editor of the first phase of the project and on behalf of the Asiatic Society, Calcutta, Research Professor of the Asiatic Society, are responsible for any matter arising in connection with the first phase of the project.
- 9. This Protogol does not stipulate any agreement to be negotiated with the publishers for this purpose. The publication of the English works by the Asiatic Society, Calcutta, comprising the volumes 1,2,3 should be completed by the end of 1997, preferably.
- 10. After the publication, 25 free copies of each volume must be sent to the Institute of Oriental Studies, Russian Academy of Sciences, Moscow.

FOR THE ASIATIC SOCIETY CALCUTTA

FOR THE INSTITUTE OF ORIENTAL STUDIES, MOSCOW RUSSIAN ACADEMY OF SCIENCES

(DR. CHANDAN ROYCHAUDHURI)
GENERAL SECRETARY

DR. R. B. RYBAKOVI

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# A Press note on the materials collected from the Russian archives

Dr Chandan Roychaudhuri, General Secretary. The Asiatic Society, Calcutta in the second phase of its collaboration with the Institute of Oriental Studies.

Moscow

In pursuance of a cultural agreement recently signed between the Asiatic Society, Calcutta, and the Institute of Oriental Studies, Moscow, a project has been undertaken to compile accessible materials, now available in the Russian archives, pertaining to Indo-Russian relations from the earliest period to 1947. During May-September, 1994, Dr Purabi Roy (Jadavpur University), Honorary Senior Research Fellow, who was deputed by the Asiatic Society to undertake this work in Russia in the first phase of this project covering Indo-Russian relations up to 1917, she compiled very interesting and significant materials from 10 archives in Moscow.

In the second phase of this project, covering Indo-Russian relations between 1917 and 1947, a team of three scholars, namely Dr Purabi Roy (Jadavpur University), Dr Hari Vasudevan (Calcutta University) and Dr Sobhanial Dutta Gupta (Calcutta University), was sent by the Asiatic Society to the Russian Federation during May-August, 1995. They worked in the Russian archives as Visiting Fellows of the Institute of Oriental Studies, Moscow during this period. The team has just returned and brought back with them immensely valuable materials, virtually unknown to scholars till now. The bulk of the materials is in Russian and English and there are also some materials in German and French.

The period between 1917 and 1947 is of special interest in view of the fact that after the October Revolution, the Soviet Union became a source of inspiration to liberation movements in the countries in Asia, particularly India, under colonial rule. Many Indian revolutionaries, who were in exile, shifted their centre of activity to the Soviet Union during that period. The documents of that period, now in possession of the scholars, will reveal unknown chapters of the international communist movement and different stages of the Indian freedom movement. Some materials, in fact, contradict the hitherto known facts.

The team has collected materials from the following archives in Moscow, which were not covered in the first phase of the project:

- 1. Archives of the Comintern
- 2. Archives of the Central Committee
- 3 State Archives of the Russian Federation
- 4. Russian State Archives of the Economy

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- 5. Archives of the Academy of Sciences
- 6. State Archives of Army History
- 7. State Archives of Soviet Army
- 8. Archives of the Ministry of External Affairs of the Russian Federation.

The materials collected are in the form of photo copies, microfilms, hand-written notes of more than 1,000 pages. The Asiatic Society now is also in possession of a selective index of a vast number of files available in the Russian archives. All these, besides enriching the collection of the Asiatic Society, will also greatly help the scholars interested in studying different aspects of Indo-Russian relations during 1917-1947. The following illustrations provide an idea of the range and nature of the materials collected by the team of scholars:

1. Materials relating to the activities of Indian revolutionaries in Russia in the 20s and 30s, namely M N Roy, Abani Mukherjee, one of the founders of the Indian Communist Party abroad, who was collecting arms to fight the British imperialists, Virendranath Chattopadhyay, brother of Sarojini Naidu, M. Acharya, G. Luhani and many others.

A special mention has to be made of very rare material on Raja Mahendra Pratap, who formed a Government of free India in exile, viz. his lectures, letters and statements, including his letter of October/November 1916, where he is seeking permission of passage through Russia in order to visit China and Japan. In course of his revolutionary activities in the Soviet Union Mahendra Pratap kept in touch with Indian leaders like Mahatma Gandhi and Jawaharlal Nehru. Besides, a number of letters of Rahul Sankrityayan have been unearthed from different archives. These include a letter to his friend dated 30 August, 1935 seeking permission to visit the USSR.

[What appears to be most interesting is that the scholars have traced materials hinting at Netaji Subhas Chandra Bose's contact with the Soviet leaders. Some documents relating to Netaji are in the KGB and President's archives which were not accessible to the scholars. Special permission is required to scrutinize them. It is believed that examination of these materials may eventually clear the mystery of Netaji's disappearance.

2. The documents of the Comintern, which used to guide and control the international Communist movement, are of special significance. Valuable documents of the Comintern on India, previously unknown, have been unearthed. These include materials relating to Comintern's secret contact with the CPI through emissaries studies on India not intended for public circulation and meant, for study by leading Comintern officials; names and records of activists, who were sent to India by India specialists in the Soviet Union to carry on practical work; relation between such activists and the CPI during World War II; stenographic records of the Indian Commission set up by the Comintern; documents prepared on India from time to time by the Eastern Secretariat of Comintern; such documents as Bukharin's written

Annex we' H' Coll - 290 -

observations on India in 1928 and Roy's critique; Stalin's written alteration of the Draft Resolution on the colonial question in 1924; Draft colonial thesis of M N Roy in 1921; thesis on India and world revolution by Virendranath Chattopadhyay in 1921; Maulana Barakatullah's note to Comintern on Indian revolution in 1927; new materials on India in the Sixth Congress in 1928; materials relating to CPI's contact with the Communist Party of Great Britain etc.

- 3. Materials relating to Soviet attitude towards South Asia, especially at the level of policy making; photocopies of statements by leading personalities concerned with Oriental Studies (e.g. M Pavlovich Veltman) and several other figures, who were responsible for observing South Asian affairs in 20s and 30s (S F Oldenburg, Tubyanskii); documents of 1947 indicating the criticism of the CPI by the CPSU.
- 4. Very interesting documents of this period have been located in the archives of the Ministry of External Affairs: the activities of the Soviet agents in British India; secret notes and information about the Indian political situation; interactions of the official and non-official personalities of the two countries received through Afghanistan; papers and correspondence of the 'Asian Relation Conference'; a very special interview with Sarojini Naidu and developments over the appointment of Mrs Vijayalakshmi Pandit as the first Indian Ambassador to the USSR. Apart from these, there are many more documents of this nature in this archives.

The materials are now being processed and catalogued by the Asiatic Society and scholars will be allowed access to these as soon as the work is completed.

18. The idea of India being one in the international world will gain ground if, at the sessions of the General Assembly under the United Nations, the Indian delegation were to include one or two princes or representatives of the States. Incidentally, it will encourage the formation of an all-India Union. It is necessary that the States should be brought into direct contact with the modern world.

19. Without lengthening this note further, it may be said that though the interim Executive Council will function under the existing Constitution, many conventions can be set up to liberalise its workings. For instance, the Viceroy need not preside at all meetings. Nominations to the Central Legislature could be made in accordance with the recommendations of organisations which should have representation; for examples, the Trades Unions, the Women's Conference, the Depressed Classes Conference, etc. There could be parliamentary secretaries representing the different departments, to answer questions or to take part in debates, instead of the permanent secretaries. In fact, the transitory provisions of the Government of India Act should be examined from this point of view.

20. To sum up: the Labour Government should take action immediately in London at the Centre (in Delhi) and in the Provinces and make a declaration setting forth both the purposes underlying its action and the details of each measure. Its first aim should be to restore goodwill and confidence in India that it means by every means in its power to seek a final solution of the problem before the next General Elections in Britain; then to establish, internally, a form of self-Government in India which will give encouragement to the democratic and socially progressive elements in the country; and to assist India to secure in the international world a place to which she feels entitled because of size and importance.

## 47

Field Marshal Viscount Wavell to Lord Pethick-Lawrence

#### L/PO/10/22

PRIVATE AND SECRET

Many thanks for your actter of 11th August. The traditional weekly letters between the Secretary of State and the Viceroy are very useful and I agree that we must continue them. The letters are entirely private—they do not form part

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of our official records, and outgoing Secretaries of State, and Viceroys are entitled to remove their copies of them. But it has been my practice to take action on points raised in Amery's letters, particularly on official matters, and when action is necessary an extract is usually sent to the senior official concerned. I presume Amery did the same. I would not, for example, send a separate official letter or telegram about the compliment to be paid to the Maharaja of Nepal on his retirement, to which you refer in paragraph 4 of your letter; I should assume that you would take action on my private letter. I mentioned this man it in paragraph 18 of my letter to you of 5th August<sup>2</sup> and in the postscript. I came to the conclusion that a letter from the Prime Minister would be more appropriate than one from the King, and His Highness would undoubtedly be very pleased if Winston signed it as well as Attlee.

2. I have been dealing with your telegrams about the political situation, and before this letter goes I hope I shall know the terms in which His Majesty's Government wish me to announce the elections. I am clear that if another attempt is to be made at a long-term solution, there would be little point in an immediate reconstruction of my Executive Council so as to make it more efficient and reliable. The new Members could do little without some security of tenure and this it would be impossible to give them. I am not sure that I have stressed sufficiently the importance of a clear policy on l'akistan when a longterm solution is attempted. I have sent you a special telegram3 about this because your colleagues, including Cripps, may not appreciate how the Party attitudes have hardened since the Draft Declaration of 1942 was put forward. An immediate announcement repeating the 1942 Draft with or without modifications might make Jinnah and the Muslim League refuse to co-operate, and even raise their demands. If the modifications were such as to satisfy Jinnah, they would certainly not satisfy the Hindus and Sikhs, and they might refuse to co-operate. A cut-and-dried announcement would almost certainly prejudice the success of any long-term plan, and there are other dangers also. As you will have seen from the proceedings of the Governors' Conference,4 Glancy is most apprehensive about the effect of the Pakistan idea in its crude form on the Punjab. Jinnah would expect to take over the whole of the Punjab subject to minor adjustments. But of the five Commissioners' Divisions, two (Ambala and Jullundur) have no district with a Muslim majority, and in the Amritsar district of the Lahore Division the Muslims are outnumbered by the other communities. Glancy does not believe that the Punjabi Hindus or Sikhs would accept permanent inclusion in a Muslim State, and thinks that if they thought Pakistan was coming, there would be an open rebellion. He suggests that His Majesty's Government should make it clear that they are not going to force under Muslim rule substantial areas, e.g., whole Commissioners' Divisions which are predominantly non-Muslim; or, in other words, that Pakistan

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to be by 3. I a tries, inc War; an difficult many ye processe: evidence witnesse that unle before th cannot b tion whi I believe and all tl tion as so about his will not your tele submitted "Blacks" may be s anti-Briti the India I.N.A. m national I him. If he

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<sup>2</sup> No. 4.

Viceroys are ractice to take I matters, and reflicial conample, send a repaid to the aragraph 4 of private letter. The August<sup>2</sup> and Prime Minister righness would lee.

situation, and His Majesty's hat if another little point in make it more some security ure that I have when a longm³ about this how the Party s put forward. without modio-operate, and satisfy Jinnah, y might refuse certainly preangers also. As Conference,4 lea in its crude e of the Punjab Divisions, two ity, and in the mbered by the lindus or Sikhs iks that if they n. He suggests re not going to issioners' Divis, that Pakistan

involves the partition of the Punjab. He feels that partition would be a disaster, and that if the Punjabis were faced with the alternatives of an Indian Union which included real safeguards for the Muslims, or Pakistan with the partition of the Province, they would choose the former. I will try to send you, perhaps by this bag, a more detailed study of the problem. But it is evident that His Majesty's Government must be most cautious in any immediate announcement they wish to make. It is easy to say that the Muslims cannot be allowed to hold up the settlement; but they are too large a proportion of the population to be by-passed or coerced without very grave danger.

3. I agree with you that detention without trial is undesirable. Most countries, including the advanced democracies, find it necessary to use it during War; and in India it has been tolerated in conditions which are often almost as difficult as those of war. Terrorism has been a serious menace in Bengal for many years and it is doubtful if it can ever be fully controlled by the ordinary processes of the Courts. There is the difficulty to which you refer, of securing evidence against terrorists—even when there are good grounds for a conviction, witnesses may be intimidated and sometimes murdered. There is also difficulty that unless the ringleaders are taken before they get going, which usually means before there is sufficient evidence against them to justify a conviction, outrages cannot be stopped. In addition to terrorism, we have occasional waves of agitation which it is impossible to control without the exercise of arbitrary powers. I believe that on the whole our wartime powers have been moderately used, and all the Governors are anxious to reduce the number of persons in detention as soon as possible. But I know that Casey does not want to be hurried about his more dangerous men. The problem is an extremely difficult one, and will not be made easier by the return of members of Bose's I.N.A. I have seen your telegram5 to the War Department about the men, and the reply will be submitted to me in draft. I doubt if any really accurate classification into "Blacks" and "Greys" has been possible, and whatever policy we adopt, there may be serious trouble in the districts. This is the first occasion on which an anti-British politician has acquired a hold over a substantial number of men in the Indian Army, and the consequences are quite incalculable. Many of the I.N.A. men obviously have a great regard for Bose and he may yet become a national hero. The Cabinet should consider very carefully what to do about him. If he could be disposed of without being sent back to India, I am sure it would be a good thing.

I have the whole problem of the detenus very much in my mind, and will do what I can to get conditions back to normal. But in this country the choice is often between two unpleasant alternatives, and I am sure we should not be in too much of a hurry.

<sup>&</sup>lt;sup>2</sup> No. 4. <sup>3</sup> No. 39. <sup>4</sup> No. 2. <sup>5</sup> No. 32.



## 108

Lord Pethick-Lawrence to Sir J. Colville

Telegram, L/Mil/7/19590: f 176

SECRET

INDIA OFFICE, 14 September 1945, 9 am

No. 20364. Your letter dated 5th March No. 38/4.1

Future officering of the Indian Forces. H.M.G. have now approved in principle, subject to subsequent examination of details, proposals formulated in C.-in-C's memorandum, and I authorise you to place them before your Council. If accepted by Council, as I trust they will be, you will no doubt wish to make an early announcement which should be synchronised with announcement in this country. I should be grateful if you would telegraph text of proposed announcement in good time for examination here. Since A[ir] M[inistry] wish to keep open question of either attachment<sup>2</sup> or secondment announcement should not commit itself to secondment.

I presume you will in due course forwar proposals for detailed conditions of service in amplification of para. 9 of C.in-C's memorandum, or alternatively send a mission to London to discuss such details with the India Office and Service Departments.

1 Vol. V, No. 297.

2 'attachment'

phered as 'veto'.

## 109

Note by Military Intelligence (Extract)

L/WS/1/1506: f 44

SECRET

No. 19005/3/GSI (b)

14 September 1945

## SOUTH EAST ASIA COMMAND AND INDIA COMMAND FORTNIGHTLY SECURITY INTELLIGENCE SUMMARY NO. 3

- 6. The Japanese report of Bose's death is also a matter of considerable importance not only in the political arena but also to those concerned with security: the continued existence of "Netaji", possibly underground, would undoubtedly maintain the fervour of the many Jifs, military and civilian, who came under what was almost a spell, while the confirmed end of their leader would probably have something of an opposite effect.
- 7. The report of Bose's death was received in most quarters in India with sympathy and regret expressed by meetings and hartals, but scepticism widely persists. Reactions in Bengal particularly are of interest. It is generally believed

tember 1945, 9 am

oved in principle, ated in E. in C's cour Council. If wish to make an incement in this posed announcey] wish to keep nent should not

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September 1945

NO. 3
nsiderable imponcerned with round, would civilian, who of their leader

in India with ticism widely erally believed = there that the news has been faked with Japanese connivance and that Bose has gone underground to re-appear at the correct psychological moment, which may be provided by the installation of a National Government or by a decision by the existing Government to take a very lenient view of the treachery of Bose and the I.N.A. Political circles in the province have been greatly interested in the recent news item which alleged that Bose had been seen alive in Saigon after the aircraft accident.

appointment that Bose will now be unable to return to his homeland to take his "rightful place"; that he would have been forgiven by Government is taken almost for grants, particularly in view of the delicate political situation. Bose's case is a course inextricably bound up with the future of captured members of the I.N.A. Press comments in relation to both betray readiness to minimize their offence and to emphasise the patriotic though misguided motives and, in respect of the I.N.A., the extremity and violence of enemy pressure, from which these offences are alleged to have sprung. There is, further, in some papers an undercurrent of malicious satisfaction that Bose and his men found opportunity for this misguided activity. Jawaharlal Nehru, as was to be expected, has aired his views freely on the subject, in mischievous terms. While recognizing the "English approach" to this question he stresses the importance of the "Indian approach".

9. Bose's established death would solve the difficult problem of dealing with him but his patriotism and activities, even though from the wrong side of the fence, are likely to hold an important place in the nationalist mind, particularly that of the young Bengali; one politician even declared that his "legend will continue to inspire the people and steel them in their determination to free India and Asia from Imperialism".

### IIO

Field Marshal Viscount Wavell to Mr Jinnah

L/P&S/13/1265: f 37

No. 295/2/G.

NEW DELHI, 16 September 1945

Dear Mr. Jinnah,

You know from my Private Secretary's letter dated August 261 the circumstances in which I have not been able to reply until now to your telegram of August 222 on the situation in Kashmir, for which I thank you.

2 No. 55.

<sup>1</sup> Acknowledging No. 55 and saying that Lord Wavell would reply on his return from London. L/P&S/13/1265: f 74.



# Treaty Series

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1971

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UNITED NATIONS . NATIONS UNIES

Press Release GA 4400 10. September 1971

The Council a to called on the Assembly to devote constant attention to the question of Flagrant large-scale violations of human rights and fundamental freedoms resulting from the denial of peoples under colonial and foreign domination of their right to self-determination.

/ note by the Secretary-General has been issued on this item (1, 8331).

59. Punishment of War Criminals and Persons who have Committed Crimes against Humanity

Farly in 1946, while the Eurnberg trial of Hazi var criminals was in progress, the General Assembly recommended that United Haticus Hembers takes measures to bring about the arrest of war eriminals and their return to countries where their crimes had been committed, For judgement and punishmen (resolution 3(1)). This resolution was reaffirmed in 1947.

Ifter the Murnberg International Military Pribunal had handed down its judgements, the assembly on 11 December 1946 affirmed the principles of international law recognized by the Pribunal. These principles, including definitions of crimes against peace, war crimes and crimes against humanity were formulated by the International law Commission in 1950.

In 1948, the Assembly adopted the Convention on the Prevention and Funishment of the Crime of Genocide, which defines genocide as a crime under international law.

In 1965, on a motion by Poland, the Commission on Human Hights placed its agenda the "asstion of the punishment of war criminals and of persons, who have committed crimes egainst humanity".

on the basis of a resolution of the Commission, the Economic and Social Council, on 28 July 1965, urged all States to continue their efforts to ensuthat criminals responsible for war crimes and crimes against humanity veretraced, apprehended and equitably punished by the competent courts. It also invited States to accede to the Genocide Convention.

of statutory limitation to war crimes and crimes against humanity, made in response to a request by the Commission, was issued in rebruary 1966 (E/CN). The study concluded that it appeared "natural and in conformity with legal" principles that such crimes should not be subject to any period of limitative

Press Release GA, 440C

ES SENIES FOR THE

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unless and until international law, which determines what charges can be brought, decides otherwise". The report suggested that it might be desirable to proclaim the principle of the inapplicability of a period of limitation for such crimes by means of an international convention or an Assembly resolution.

Later in 1966, the Council, on the busis of a resolution approved by the Commission, graed all States to prevent the application of statutory limitation to war crimes and crimes against humanity, and to continue their efforts to ensure the arrest, extradition and punishment of persons responsible for such crimes. The Council also invited the Commission to prepare in 1967 "a draft convention to the effect that no statutory limitation shall apply to war crimes and crimes against humanity, irrespective of the date of their commission".

Accordingly, the Mecretary-General in 1967 submitted a preliminary draft convention to the Commission, which began the task of reaching agreement on a text. This task was taken up later that year by the Assembly's Third Committee, which completed the text the following year.

"The Convention on the Mon-Applicability of Statutory Limitations to Mar Crimes and Crimes against Humanity was adopted by the Assembly in resolution 2391 (....III) of 26 Movember 1968.

The Convention is intended to ensure that persons responsible for var crimes and crimes against humanity will not escape prosecution merely because no legal case is brought against them within a specified period (the "period of statutory limitation") after the commission of the crime. The parties to the Convention undertake to adopt domestic measures for the extradition of persons responsible for these crimes.

The following 14 States have ratified or acceded to the Convention:

Albania, Bulgaria, Eyelorussia, Czechoslovakia, Guinea, Hungary, India, Kongolia,

Migeria, Poland, Romania, Ukraine, UCSR and Yugoslavia. In addition, Mexico

has signed but not ratified the Convention.

The Convention came into force on 11 Movember 1975.

In 1969, the Assembly called on the States concerned to take measures to investigate war crimes and crimes against humanity, as defined in the Convention, and for the detection, arrest, extradition and punishment of persons guilty of such crimes.

Last year, the Assembly stated that many war criminals and persons who had committed crimes against humanity continued to take refuge in certain States and enjoyed protection. It called on all States to arrest such person and extradite them to the countries where their crimes took place (resolution) 2712 (XXV) of 15 December 1970).

The Assembly also called on States to intensify their co-operation in the collection and exchange of information to contribute to the detection, arrest extradition, trial and punishment of such persons.

In this resolution, the Assembly also invited States which had not yet become parties to the Convention on Non-Applicability to do so as soon as possible, and appealed to States not parties to "refrain from action running counter to the main purposes of that Convention".

In addition, the Secretary-General was asked to continue to study the question of the punishment of such crimes, as well as the criteria for determining compensation to victims of the crimes, and to report to the General Assembly this year.

A report on this item will be submitted by the Secretary-General (A/8345).

In action on the question this year, the Human Rights Commission appeals
to States in which persons are now committing war crimes or crimes against
humanity to put an end to such crimes, to punish severely the guilty persons
and, in the case of heinous crimes, to extradite such persons to the States
where they had perpetrated their crimes (resolution 16 (SOVII) of 25 March 194

The Commission also called on all States to expand co-operation in the exchange of information, and asked the Secretary-General, in the light of information received from Covernment, to report on this question to its next session.

## 60. Heasures to be Taken against Hazism and Racial Intolerance

In 1967, the General Assembly unanimously condemned "any ideology, incluing nazism, which is based on racial intolerance and terror"; and called on allocates to take immediate and effective measures against such manifestations of nazism and racial intolerance. It noted that "concern has been expressed regarding recent manifestations of racial intolerance, including the revival of certain groups and organizations professing totalitarian ideologies such a nazism".

Press Release GA 4400 10 September 1971

Again in 1968, the Assembly condemned "racism, nazism, apartheid and all similar ideologies and practices which are based on racial intolerance and terror". It urgently called on all States to outlaw groups and organizations which disseminated propaganda for those ideologies, and to prosecute them in the courts. These measures, it added, should be taken with due regard to the principles of the Universal Declaration of Human Rights. The Assembly called on all States, peoples and organizations to strive for eradication as soon as possible of ideologies based on racial intolerance and terror.

The Secretary-General was requested to submit a survey of information on international instruments, legislation and other measures taken or envisaged, with a view to halting racist, nazi and similar activities, such as apartheid.

Also in 1968, the Commission in Human Rights asked its Sub-Commission on Prevention of Discrimination and Protection of Hinorities to submit recommendate on measures to halt nazi activities wherever they occurred.

In 1969, the Assembly called on the States concerned to take immediate the effective measures for the complete prohibition of nazi and ragist organizations and groups and for their prosecution in court.

In that resolution, the Assembly also called on all States and national and international organizations to observe a day each year in memory of the victims of the struggle against nazism and similar ideologies; requested members of the United Nations or the specialized agencies to submit to the Secretary-General, for consideration by the Assembly at its twenty-fifth session, information on the measures adopted under this resolution; and decided to retain the item on its agenda "as a matter of priority".

The Human Rights Commission, at its 1970 session, requested the Sub-Commission to continue its study of the question, placing special emphasis on measures to be taken to detect and prevent contemporary activities that might be inspired by nazism or similar ideologies. It also called on the relevant specialized agencies to consider the question of measures to be taken against nazism and racial intolerance and to inform the Secretary-General of decisions and actions taken by them.

Last year, the Assembly urged the States concerned to take legislative and other effective measures with a view to the speedy and final eradication of nazism, including its contemporary forms, of racism and of other similar ideologies and practices based on terror and racial intelerance (resolution 2713 (XXV) of 15 December 1970).

The Assembly also called on States during 1971, the International Year For Action to Combat Racism and Racial Discrimination, to take effective measures to combat contemporary manifestations of nazism and other forms of racial intolerance. Further, it decided to retain on its agenda the item concerning measures to be taken against nazism and other totalitarian ideal and practices based on incitement to hatred and racial intolerance.

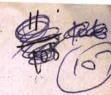
In an earlier development last year, the Sub-Commission received the report of its Special Rapporteur, Hernan Santa Cruz, entitled "Special study of racial discrimination in the political, economic, social and cultural spheres".

The report (E'CN.4, Sub.2, 307 and Add.1-6 and corrigenda), in preparation since 1966, was the first comprehensive study of racial discrimination on a world-wide basis prepared for the United Nations.

In response to a request made by the Sub-Commission in 1969, Ir. Santa Cruz included a special chapter dealing with the danger of a revival of nazi and racial intolerance. In this chapter, the study stated that "there is a clear danger of a revival" of nazism or its development in new forms.

Commission last year unanimously adopted four resolutions dealing with the broad question of racial discrimination.

One of these resolutions, dealing with the danger of a revival of nazisal and racial intolerance, was considered by the Economic and Social Council at its spring session this year. The Council, in recommending the resolution for adoption by the General Assembly, invited the Assembly to resume, as soon as possible, the study of the question of international criminal jurisdiction are of the draft code of offences against the peace and security of mankind, with a view to the preparation of measures to eliminate any possibility of a revivo finazism.



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Fress Release GA 44CC, 10 Septomber 1971

The resolution itself would have the Assembly urgently call on States to take immediate measures, with due regard to the Universal Declaration of Human nights, to prevent the activities of nazi and racist organizations. States unable, "for serious constitutional or other reasons", immediately to outlaw racist propaganda and groups would be urged to take certain other measures, in so far as they were compatible with the Declaration. For example, such organizations should not be allowed to receive financial subsidies from the State or individuals, to use public premises or public media of information, or to form militarized detachments, and State employees should not be permitted to belong to such groups.

The Assembly would also call on Governments, "particularly those controlling mass information media of world or continental scope", as well as international and national organizations, to increase public awareness of the dauger of a revival of nazism and racial intolerance.

## 61. Report of United Nations High Commissioner for Refugees

In 1970, material assistance to refugees was again, as in 1969, focused essentially on assistance to refugees in 10 countries in Africa and a few countries in Asia, Europe and Latin America, the High Commissioner for Refugees, Prince Sadruddin Aga Khan, states in his annual report (1,/8412).

While progress was made in the settlement of refugeen, there were influxes of new refugees, including two large groups in Africa. Consequently, states the report, a considerable proportion of those being assisted -- some 270,000 as against 275,000 in 1969 -- consisted of refugees requiring settlement on the land.

The UNICR projects in Europe and Latin America concentrated mainly on the consolidation of previous measures for the settlement of refugees, in particular the handicapped. In Asia, a variety of projects were put into effect, including housing, agriculture, medical assistance, and education and training. In Africa, the rural settlement of refugees continued to call for a wide range of measures, including emergency relief, medical assistance, the opening up of land and provision of equipment and often also for the establishment of the necessary infrastructure.

No. 10823. CONVENTION ON THE NON-APPLICABILITY OF STATUTORY LIMITATIONS TO WAR CRIMES AND CRIMES AGAINST HUMANITY. ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 26 NOVEMBER 1968 1

Nº 10823. CONVENTION SUR L'IMPRESCRIPTIBILITÉ DES CRI-MES DE GUERRE ET DES CRI-MES CONTRE L'HUMANITÉ. ADOPTÉE PAR L'ASSEMBLÉE GÉNÉRALE DES NATIONS UNIES LE 26 NOVEMBRE 1968 1

#### ACCESSION

366

instrument deposited on:

12 January 1971 INDIA

(To take effect on 12 April 1971.)

#### ADHÉSION

Instrument déposé le:

12 janvier 1971 INDE

(Pour prendre effet le 12 avril 1971.)

<sup>1</sup> United Nations, Treaty Series, vol. 754, No. 1-1082), and annex A in volume 757.

Nations Unies, Recueil des Traités, von

8000 CO 9.5.97 COPY FIXED TO PMO REF TELECON FAX 30168 UNITED NATIONS WATIONS UNIES CABLE ADDRESS .-- ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK EXECUTIVE OFFICE OF THE SECRETARY GENERAL CABINET DU SECRETAIRE GENERAL 1 May 1997 Dear Air Vice Marshal Goyal, I am writing in reply to your letter of 15 February 1997 to the Secretary-General, in which you seek his intervention regarding the image of 'Netaji' Subhas Chandra Bose. The Secretary-General is aware of the great regard in which Netaji is held, but he is powerless to undo references that may have been made in the past. He is confident that no United Nations agency or publication would use the term "war criminal" in reference to Netaji in the future.

Yours sincerely,

Shashi Tharoor Executive Assistant to the Secretary-General

9TO -2

Air Vice Marshal S. Goyal Chairman Netaji Forum New Delhi

Metaji in the future.

For Truth & Pence - Human Right of Freedom

#### NETAJI FORUM (Regd)

Chairman: Air V a Marshal S.Goyal (Redd), MEE, FROS

69. Poorvi Marg, Vasant Vihar, New Delhi 110 057 \* INDIA ) 6142327 & Fax: 6848047 (cover Mohit)

"SECOND APPEAL, CONSEQUENT TO THE FIRST FAX SENT ON 19 12 1997

Personal

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15 February, 1997

NEMT

To Houble Mr. Kofi Aunan Secretary General, The United Nations

Dear Esteemed Secretary General Mr. Kofi Aunan,

INDEED, WE ARE DELICITIED BY YOUR OBSERVATIONS AT THE PRESS CONFERENCE. REPORTED BY THE NATIONAL AND INTERNATIONAL MEDIA YESTERDAY, HOWEVER, ALLOW ME TO REMIND YOU SIR. THAT YOUR GRACEFUL FINGER HAS YET TO WRITE ON THE WALL OF HISTORY WHAT WE HAD APPEALED FOR, IN OUR GREETING MESSAGE FAXED ON 19 DEC. 1996. THIS IS OUR REQUEST: THE WORTHY PATRIOT OF PATRIOTS AS MAHATMA GANDHI CALLED THE GREAT INDIAN FREEDOM FIGHTER. NETAJI' SUBILAS CHANDRA BOSE, DESERVES THE WORLD BODY'S FAVOURABLE CONSIDERATION TO RELIEVE HIM, DEAD OR ALIVE ON HIS CENTENARY OCCASION FROM THE DISHONORABLE REFERENCE AS A "WAR CRIMINAL". UNJUSTLY AND HASTILY DUBBED BY THE SUPER-POWERS OF THE U.K. AND THE U.S.A., AFTER HIROSHIMA AND NACIASAKI CONCLUSION OF SECOND WORLD WAR. OUR BUSE LIKE ANY OTHER FREEDOM FIGHTER DESERVES PAIRIOTIC AWARD AND NOT A PUNISHMENT OF WITCH-HUNTING IMPOSED ARBITRARILY BY THE U.K. WITH VESTED GEO-POLITICAL INTERESTS IN COLONIAL INDIA

WITH THESE FEW WORDS OF APPEAL, MAY I ON BEHALF OF FREEDOM FIGHTERS AND THE PEOPLE OF INDIA, SEEK YOUR INTERVENTION TO RECTIFY THE DISTORTED IMAGE OF OUR HERO BOSE. IN THE PACIES OF THE WORLD HISTORY.

PLEASE BE GOOD ENOUGH TO CONFIRM YOUR DECISIVE INITIATIVE.... WOULD YOU PLEASE AGREE FOR A SUO-MOTO REFERENCE TO THE FILE RESTING WITH BRITISH PRIME MINISTER ON SO-CALLED WAR CRIMINAL FALLACY OF THE LAST WORLD WAR....

YOURS TRULY

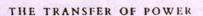
DADA SURENJI (GOY)

COPIES TO: THE FRESIDENT OF USA: THE PRIME MINISTER OF GREAT BRITAIN: 6 THE PRESIDENT OF RUSSIAN FEDERATION

PS:

It may be recal 1 that this writer had in June 1982 submitted : paper for SSOD-II session of UN. The UNO had graciously accepted by paper for circulation to members of the Assembly.

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(0)

14th June
4th August
7th November
11th November (May be varied)

United Nations Flag Day Queen's Birthday Navy Day (India) Remembrance Day for both World Wars.

Optional on other Dominion days, particularly those who have High Commissioners in Delhi or Karachi. These are:—

26th January 31st May 1st July 24th September Foundation Day, Australia Union Day, South Africa Dominion Day, Canada Dominion Day, New Zealand

#### Appendix III to No. 385

#### EXTRACT FROM MINUTES OF A MEETING OF THE PARTITION COUNCIL HELD ON WEDNESDAY 6TH AUGUST, 194731

His Excellency recalled that both Mr Jinnah, on behalf of the future Government of Pakistan, and Pandit Nehru and Sardar Patel, on behalf of the future Government of India, had agreed to the suggestion that, in States which acceded to one or other Dominion, the Princes, and those whom they recommended, might continue to receive decorations from His Majesty. His Excellency proposed that the Order of the Indian Empire should no longer be used for this purpose, but that the Order of the Star of India, to which, both in name and design, there were no political objections), should continue to be awarded. His Excellency also proposed that Princes should continue to be allowed to hold Honorary ranks and to become Honorary Aides de Camp to the King. He explained that these proposals would not involve any undue increase in the number to whom honours would be given. It would normally be on the death of a present holder or on the expiry of his time as an Honorary A.D.C. that a new award would be made. Both Mr Jinnah, on behalf of the future Government of Pakistan, and Sardar Patel, on behalf of the future Government of India, agreed with His Excellency's suggestions set out above, which he undertook to convey to His Majesty the King.

31 See No. 353, Case No. P.C. 146/16/47.



The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/E/9/1514: ff 177-8

IMMEDIATE

INDIA OFFICE, & August 1947, 7.40 pm Received: 9 August, 10.30 am

No. 10280. Your telegram 3205-S of 6th August. International position of new Dominions You will already have seen copy of Foreign Office telegram 2513<sup>2</sup> to New York which was repeated to you as No. 10242. United Kingdom Representative in New York now reports that matter has been discussed with United Nations Secretariat who intend to act on view that new India will continue international personality of old India and will not themselves at any rate raise question of continued membership of India. They consider that Pakistan should apply for membership but do not think that it is essential that action in this sense should be taken before August 15th in view of provision under Rule 60 for waiving of time limits (precedent for this already exists in case of Siam).

- 2. In these circumstances United Kingdom Representative suggests that best course would be for Pakistan itself to apply as soon as it comes into existence. He does not favour idea that United Kingdom Delegation should apply on Pakistan's behalf, nor does he think that it would be regarded as very reasonable that Pakistan should put in application before it comes into existence. Moreover, Indian Delegation, who have been consulted informally, are inclined to fear that any such action taken by His Majesty's Government might conceivably prejudice Pakistan's chances as well as precipitate discussion of validity of their own representation.
- 3. We should be grateful if you could explain position to Mr. Liaquat Ali Khan and inform him that soundings we have taken lead us to think that best course would be for Pakistan itself to submit application on 15th August. This application should, of course, be sent by telegram to Secretary-General and should include declaration of readiness to accept obligations contained in the Charter.

<sup>1</sup> No. 362. <sup>2</sup> No. 371. <sup>3</sup> Tel. 2152 of 7 August. L/E/9/1514: f 179.



<sup>4</sup> Lord Mountbatten replied in tel 3310-S of 10 August that he had advise i Mi Liaquat Ali Khan and the United Kingdom High Commissioners for India and Pakistan accordingly. L/E/9/1514: f 174.

MATRICT LINGUISTY

THE HIGH COURT AT CALCUTTA COMMITTUTIONAL MAIT JUNISDICTION

DATOTRAL STAR

IN THE MYTER OF :

An application under Article 226 of the Constitution of India ;

-And-

IN THE EATTER OF .
RUDAA JYOTI BRATTACHARJES

PETITIONS

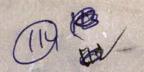
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DATES OF INDIA AND OTHERS

ASPONLANTS.

SUPPLEMENTARY AFFIDAVIT ON HERALF OF THE PETITIONERS

MR . Rudra Jyoti Bhattscharjee Advocate Bar Association, Room No. 2 High Court At Calcutta .



Pena 11A Ambels, 166 W.P. NO. OF 1998
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
OBIGINAL SIDE

An application under article
236 of the Constitution of
India;

ADO

A writ of and/or order or direction in the nature of Mandamus, Certiorari and Promibitions

And

Right to know as implicit under Article 21 of the Constitution of India;

And

In the matter of '
With bolding of information about the whereabouts of Hetaji Shri Subhas Chandra Hose after his departure from Singapore in

Cont deeP/2.

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-1 2 :-

in August, 1945 in the wake of the surrender of Japan in the Second world war;

And

#### In the matter of :

hight of the people of this Country including the petitioners herein to know the true and correct facts about the mysterious disappearance of Notaji Shri Subhas Chabdra Rose on and after august 18, 1945 and to have the deliberate dissemination of palpably wong information about him to be stopped and/or withdraw forthwith;

-ADG

Representation dated 4.9.1997;

And

In the matter of :

Representation dated 20th October, 1997 and 27.1.1998;

ADG-

In the matter of :

Representation dated 12.12.1997;

ADG

Cost dee P/3.

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#### In the metter of :

1. Rudra Jyoti Bhattscharjee, Son of Sri Santosh Kumar Bhattscharjee, resident of Flora Park, Goaltuli, P.S. Chinsurah, P.O. & District : Booghly.

2. Bani Brata Das, Son of Sri Baidyanath Das, resident of 408, Kumargoli, P.O. & P.S. Chingurah, District : Booghly.

· · · · PETITICITES

#### -VERSUS-

1. Union of India, service through the Secretary, Ministry of Defence, maught South Block, New Delhi-110 001.

2. Ministry of Ruman Resources and Development, Right Aurobinda Marg, New Delhi -110 Ol6.

3. Ministry of Home Affairs, Union of India, having office at North Mock, Hey Delhi-110 001.

4. Ministry of External Affairs, Union of India, South Elock, New Delhi-110 001.

S. The Asiatic Society, Calcutta through the Secretary of the said Society having its office at 1, Park Street, Calcutta -700 OlS. ... PERPORD FRES

The Ron'ble Hr. Pratha Shanker Mishra, the Chief Justice and His Companion Justices of the said Ron'ble Court.

The humble petition of the petitioners named above, most respectfully;

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the heart and and and and Petitioners are citizens of India Interested in the cause for themselves as well as to subserve the interest of the public at large. where we do not then the m

2. That the petitioners, with an eis to know about the gallant deeds and mysterious disappearance of the greatest Sational leader of international important ce Setali Shri Subhas Chandra Bose and to Anfold the mystry of his disappearance, have exerted their best effoft into the matter and learnt certain facts as described hereinbelow, which are compelling the petitioners to believe that Metaji Subhas Chandra Rose did not die in the alleged plane crash on 18th August, 1945 at Taihoku. LANGE STREET, STREET,

> Your petitioners are moving before this Hon' ble court for enforcement of the fundamental right as emphrined under Article 21 of the constitution of India and seeking relief against breach of such rights by the respondent authorities by withholding correct informations about what happened to Metaji Suri Subhas Chandra Bose on/after August, 18 1946 and by raking up the deed and stale story of his alleged death in the alleged plano crash at Talkokt on the said date despite full knowleage of the fact that the said concocted story was part of a deception plan to cover Metaji's escape to Soviet Aussia through Manchurin in the event of the Japanese surrender or soon thereafter, as will appear from the subsequent facts as described herein below.

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The issue is highly sensitive and Indians irrespond tive of easte, creed add religion have a strong sentiment LOUBLING BUT HERE THE about it due to the immense sufferings and sacrifice of the AND ADDRESS OF THE REAL PROPERTY. greatest revolutionery pilgrim of India Metaji Shri Subhas Chandra Bose . Petitioners have been fighting this issue not for their sentiment but armed with documentary evidence. which no-body could deny and/or was able to nulify the same with any facts and documents, so far the patitioners know, the Government could not submit even an Affidavit-im-op osition against a writ petition being So. 834 of 1995 moved before the Supreme Court of India under Article 32 of the constitution of India. So the present petition is moved with an expectation for sajudication considering its legal, reasonable and possible evidences cited in this writ petition.

That on 19-8-1945 one British Inteligence Officer informed Aprik Singh Gill (an arrested at Red Fort weiting for execution of his death sentence) that Meteji died in an Air cresh on 18th August, 1945. An article of Mr. Will was published in a Magazin mutem from Netaji Centre Publication at Auglalamour and the same has been reprinted in Jayahree Magazine (Bengali) in Azad Sind 3 lden Jubiles number Octo-Der,1993. will be the side at most a section at the party of

6. That the Delhi Redic amounted on Blat August, 1945 to the effect that Metajl died in an Air crash on lath Augu 1946 to the eff es it reveals from the facous book "Spring! Tiger" by Rue Toy a well known Millitary Intelligence offic while the se prof British Army.



not provide us landage tendent and the state that That the Domei News Agency on the 22nd August, 1945 to the Contract of the Contrac asmousered the alleged death News of Chri Subhas Chandra Bose in an alleged place crash at Tainoku, which was further ciradjusting business SECUL MOST BUSINESS culated by mauter as under t-

ALBELT OF SELECT MANY OF eta of tees on "London, August 23: The death of Mr. Subhes Chandre Mose is enhounced to day by the Japanese Sevs Enger Agency. The Agency added that Mr. Bose died in a Japanese Mospital from injuries received in a Air-crash. He was seriously injured when his plane crossed at 2 P.M. on August 18, 1945. He was given treatment in a Hospital in Japan, where he died at

> ander which the alleged death allegedly took place are surtuckentive of an encontour to cover up the rade story, wank of evidence led to different and of speculation and posters se some such sent that he to the tent of ale

changle for the west test that seem That after the alleged news of hir crash at Teinoku, the British intelligence investigated into the matter and collected certain facts and documents as described hereinbelow relating to Setaji Shri Subbas Chandra Bose's plan to Linted to make that and which are the car and the court of the court

Mr. Finney, the Director of Intelligence Euress of the British Covernment attached to Mo-Arthur's Head Querters at Tokyo,in an urgent message from Bengkok, informed his higher authority in India; "On November 12, 1945 he examined a man to due a made do no named L. Watanabe, who was working as an interpreter in Hikeri Elkan, satanable told him that on August, 16 or 17, 1945 he was asked to work as an interpreter in a meeting held at the

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residence of Isoda, between Isoda and Subhas Chandra Fos who was accompanied by Major Shonsle and Lt.Col.Habibur Rahaman. The meeting ended before watanabe reached there, Isoda talked without any interpreter. They discussed how Bose could be sent to his destination. That Bose was going to Russia was more or less known, parhaps it was Manchuria. "

ii. Mr. Finney in that message, informed his higher authorit "It was an understood thing in the Embassy and in Hikari Eikar that he (Mose) was going to hand over himself to the Mussian in Mussia (Moses commission-Exhibit No. Com 28/V)

fresh interrogation of General Monale. The team recorded,
"What we feared and Mabibur Rahaman, Lt. General Isoda and
Col. Magawa had a meeting with Rose. He also admitted that
they discussed how Mose could be sent to his destination, Monsle further admitted the that Rose could be sent to his destination, Monale further admitted that Hose had the intention
to go to Mussia.. But it appeared that he (Mhonsle) was not
willing to say much about the matter avoiding related questions
he only said, if anybody of his trusted men knew anything about
the real plan of Metaji then none will say it now". The report
was made by Lt. Col. Mahwright (Wohibit No. Com/285 before
Metaji Inquiry committee).

iv) Reference should be made to Hikari's telegram at the time Bose arrieved in Saigon. Isoda was also there and this fact may be significant that there was plan on the part of Hikari Kikan to allow 'Bose' to escape and to publish a false

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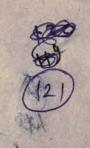
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stoby regarding his death. This would have been ideal place for 'Isoda (Chief of Hikari Kikan) to put into operation any such plan these are parts of a Colossal and well executed deception manoeuvre. (H. Q. Mise File 10 Mise. I. N. A. 273 sub-Jects Subhas Chandra Pose, Page 10) .

V. possible that Isoda had come here (Gaigon) to workent and co-ordinate his deception plan with Lt. Gen. Wimate and he stayed on untill his plan had been executed under his personal supervision". (Secret File No. 63/2/10 G.S. (b)H.Q. SACHEA COMMISSION, 18th Cetober, 1945) Lt. Gen. Isoda (Chief of Mikeri Kiken) "The purpose of his (Neteji) flight was to go to 8 Soviet Union. He was going to dussia via Saigon. (proceedingsof Netaji Inquiry Commission 1970).

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Vi. "However, the Ghilzai Halang had been coupling alive Bose with Aussia and in December, 1946 a report said that the Covernment of Afgan province of Khost had been informed by the Russian Ambassador in Rabul that there were many congress refugges in Moscow and Bose was included in their number. There is little reason for such persons to bring Pose into fabricated stories, at the same time, the view that Russian officers are disclosing or alleging that Mose is in Moseow is supplied in a report received from Tehren. This states that Moradoff, the Russian, where he was secretly organising a group of Russians to work on the same line as the I.R.A. for the freedom of India"(Read Quarters Main File 273 1. M. A.)

ILL west on gather that don't served it bowlebes become a 9. In a leter to John Thivy on 17th August, 1946 Metaji shri Subhas Chandra Bose wrote; "I am writing all this to you as I am on the eve of taking a long journey by air and who knows an accident may not overtake me" Evidence of Sri B.

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Baskeran before the Netaji Inquiry Commission 1970

10. Col. Tada, one of the staff officers of the F.M. Terauchi(Supreme Commander, Japanese South-East Asia command) told. "After the end of the war, when Japan surrendered, Terauchi took all reponsibilities to help detaji and esked colonel Tada to go to Kaka Bose (His Execellency Bose) and tell him to reach Russian territory, all help will be given to arriver beef less seetile him. It was arranged that chandra Bose will fly in the plane WAND AND ATTER BOTTO in which Shidei was going, General Shidei will look after DESCRIPTION OF THE PARTY OF THE Chandra Bose upto Dairen, and thereafter, he could fall back on his own resources to contact Aussians. Japanese would announce to the world that Bose has disappeared from Dairen, that would absolve them from all responsibilities in the eyes of the Allies"

> (Froceedings of Metaji Inquiry commission 1970) Besides, the following secret intelligence Reports corroborste Metaji existence in Mussia much after the alleged aircrash il listos at volumentar melenis mot

11.a) Some exerpts from the British Intelligence Report submitted to loth Netaji Inquiry committee 1956 and Netaji Inquiry Commission, 1970 refers to a letter which Subhas Chandra wrote in or about December, 1945 to Nehru from Russia expressing his desire to return to India via Chitral (of deshulr) of the course of some can to go

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"Mehru received a letter from Bose saying he was in dussia and that he wanted to escape to India from Kashmir via Chitrol.....it is probable that the letter from Bose

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arrieved about the time Gandhi made his public statement (Secret Head Quarter, Main File Mise I. N. A. 273 I. N. A. Subject: Subbas Chandra Sose)

This would be also evident from the deposition of Shya miel Jain who was stemographer of Asaf Ali before the Netaji WESTER BEST LINE LOST Inquiry Commission 1970.

wing and restricted a west posta tandome a language.

- The Intelligence deport quoted in the Dissentient Report of Late Suresh Chadra Bose connecting Bose with the North West Frontier of India, mentioned in a letter written by the Presiden of the Frontier Students' Congress which has a bearing on Metaji's whereabouts...... The President of the Frontier students Congress wrote that Hose was in T.T. and that he was going there himself .........
- The dissentient deport of Late Shri Suresh Chandra Pose was to the town the elder brother of Metaji recers to a British Millitary Intelligence deport whice Says"the Childel Malang had been cou-pling alive Bose with Aussia and ........ December, 1945 a m report said that the dovernment of the afgan province of Khost had been informed by the Russian Ambassador in Mabul that the re were many congress defugees in Foscow and Bose was included in their number. There is little reason for such persons to bring lose into fabricated stories. At the same time the view that Russian Officers are disclosing or elleging that Bose is in Moscow, supplied in a Report received from Tehran. This states that Moradofi the Aussian Vice Consul General discloss in March, 1946 that Bose was in Aussia, where he was secret) organising a group of aussians to work on the same? elacompara esamples, class to automor as the IMA for the freedom of India. Russian repres ALIDAN TO THE PROPERTY OF THE PARTY OF THE P

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which milities will now the same cantes and the same in Tehran and Kabul are the most important objectives in this case as it stands now. "It was in this period that Syada " nyst a Secret agent of E.G.B. (Aussian Intelligence organisation) carried Nehru's letter to stalin and left a report to the Russian Ambassador at Tehran on British India's political scenario emphasising the predominating role of Forward Bloc as the only true leftist political party. The report referred ed to detaji Subhas Chandra Bose as 'the only leader of that period 1.e. 1946 with whom dussia should make alliance in india. (Record collected by the Schollars of Asiatic Society from Mussian archives). to an acceptance of block

- d) isiatic Society sent three scholars Dr. Purabi Roy Prof. Sadhanial Buttagupte and 'rof. Hari Basudevan to Bussia to collect materials bearing direct and indirect relevance to Indo Mussian relationship of the last five hundred years. In connection with this research work Dr. Noy came accross many startling materials minting at Metajl's existance in Mussia after 1945. For further enquiry into the matter Dr. Roy had also searched out such British documents that eventually led her to to Moscow's erchival materials corroborating the establishment of an imbassy of previsional Government of free India at CHOK (in Siberia) on 23rd October, 1943. Moscow's archival materials related to it say that Metaji was received by one Mr. Katakacju at the Agad Hind Government Babassy at OMIK on 24th August, 1945. HIS CONTRACTOR AND THE PROPERTY OF
- Charles and all entitle below of the same Intel William 195 and the Taking her cue from the report of Colonel Hugh Toy's interrogation of Hachia, Hapanese Government's Ambassador to 34000000 10% 10% the provisional Government of Azad Hind, Dr. Purabi Roy visited

various Russian archives for confirmation of the said ambas ador's statement that the provisional Government of free India was having an embassay at OMSK with Katakachu as its Joseph at Lav head in 1944. an wit thin poster thinning

Copy of some clippings published in different daily News papers are annexed hereto and collectively marked with the med ear years court ago second, atomi eas to

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12. The British were examining various alternatives of dealing with Metaji as a "war Criminal" after the alleged air crash as would be evident hereafter from the secret correspondence and other documents cublished by Her Majesty's Stationary Office in the white paper entitled Transfer of Power. That Sir R. F. Mudie the then Home member, Viceroy's council by and through a top secret note with a covering dated 23rd August 1945 communicated to Sir Sjenkins, in response to His excellency's request a top secret letter deted lith August, 1945 h had forwarded a note of suggestions on trial and execution of Netaji Subbas Chandra Bose. and the second

After analysing the pros and cons of all the suggested measures to punish and to execute or intern Bose, Sir F. Mudie, Home member, Viceroy's Executive council, prepared a 'Note for the Vicercy dated 23rd August, 1945 finally decided to : "LEAVE HIM WHELE HE IS AND DORT ASK FOR HIS SURRENDER..... IN MANY WAYS THE EASEASTEST COURSE WOULD HE TO LEAVE HIM WHERE HE IS AND DORT ASK FOR HIS RELEASE, HE MIGHT OF COURSE IN CER-TAIN CINCUMSTANCES BE WELCOMED BY THE MUSSIANS. THIS COURSE WOULD RAISE FEMEST IMMEDIATE POLITICAL DIFFICULTIES".

to an angular of the state to be a series of the series of A copy of the top secret letter dated 11th August, 1945 and 23rd August, 1945 along with enclossure on notes of suggestions is annexed hereto and marked with the letter " B "

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o the and to asking the That India and Burma committee in its 6th Meeting held on 25th October 1945 at 12 noon at 10, Downing Street, London whereby the said committee resolved interelia that it was generally agreed that the only civilian renigade of importance was Metail Subhas Chandra Bose and also decided regarding his trial as "war Criminal". It appears from the resolutions of the India, Burma committee that the then Secretary of State for India had declared Netaji Subbas Chandra Bose a war erisinal end/or Indian civilian renigade .

A copy of the minutes of the India and Burma committee of the british cabinet dated 25th October, 1945 is annexed hereto end marked with the letter "C".

14. That it appears from the letter dated 22nd July, 1946 written by shursed Meoroji the then private Secretary of Mohondas Karamchand Gendhi writing to Louis Fischer stating therein interalia" ... IF BOSE COMES WITH THE HELP OF RUSSIA MEITHER GANDRI HOR CONGRESS WILL BE ABLE TO REASON WITHETHE C COUNTRY". The said letter has been reserved in the library of princeton University, United States of America (U.S.A.). to the leader to the state of t

A copy of the said letter dated 22-7-1946 alongwith a type copy of the same is annexed hereto and collectively marked with the letter 'D'.

THE COLUMN WAS THE WAS DEED TO

That it appears from the above documents that at least on 25th Uctober, 1945 the British Government considered Wetaji Subhas Chandra Bose as a War Criminal and discussed the possible consequences of his trial within or outside India, which proves that British Government did not believe that he had die on 18-8-1945 in the slleged plane crash. + C v to food and Salar bedress one crown boxes been at enough

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16. That the dovernment of India constituted Metaji inquiry committee in the year 1956 which was presided over by Sri Shamwaz when and it's members were Sri Suresh Chandra Bose and official member Sri S.N. Moitra (I.C.S.) and also Khosla commission in the year 1970 where one Sri Shyamlal Jain Stenographer of INA Defence Council who was earlier a personnel typist of Asaf Ali deposed that Mehru dictated him to type from a piece of paper which Jawaharlal Mehru took out from inside pocket of his achkhan, which was written by ink, and gave it to said Shyamlal Jain to type out 4(four) copies, date in the said piece of letter was 23rd August, 1945. The name of the writer was illegible. The said piece of paper which contained information(possibly by an informer of Nehru) as follows;

"Netaji started from Saigon by Asroplane. He arrieved in Dairen, Manchuria at 1-30 in the afternoon. Thereafter, he took tea with bananas. There was also a motor jeep standing nearby. The said aeroplane from which Metaji alighted was a Japanese bomber plane which could accompate only one men beside the pilot. The said plane was full of Gold in the sheep of ornaments. Tewelleries and bars and etc.

The Statement as described hereinabove was placed before the Metaji Inquiry Commission, but the same was not disp uted and/or opposed by any witness including representatives of the Government of India.

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That in the wid proceedings before the Wetaji daquistical in the self chyanical Jain Curther stated that in the year 1945 (November December Behru received a letter from Netaji, informing Behru that he would come to India via Chitra of Austualy.

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The said Shyamial Jain further stated that Jawaharial Mehru dictated him (Shyamial Jain) to type a letter which st ands as follows ;-

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Dear Mr. Attlee

Subhas Chandra Rose your wer Criminal has been allowed by Stalin to enter into the Russian territory, which act of his is clear treachery and betrayal of faith as, when Russian was an ally of the British and the Americans, Ent Stalin should not have done so. This is just for your information and actice.

18. The petitioners are also meare that the findings of Metaji Inquiry Committee 1956 and the Metaji Inquiry Commission 1970 were virtually given a simultaneous buriel by the statement of Sri Morarji Desai, the them Frime Minister of India in the floor of lok Sabha on 28th August, 1978 in conclusion of the debate on the motion regarding the Mosis commission Report, in which the said Frime Minister stated interalia, as follows;

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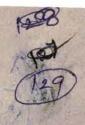
the report of Metaji Subhas Chandra Bose's death following a "plane crash as true. Since then reasonable doubts have been cast on the correctness in the two reports and various important contradictions in the testimony of the witnesses have noticed some further contemporary official documentary records have also become available. In the light of those doubts and contradictions and those records, Government fidd it difficult to accept that the earlier conclusions are decisive. "

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19. Petitioners state that on 11th April, 1979 Shri Dhaniklal Mondal the them Minister of state for Home Affairs made the following statement in Lok Sabha in reply to a question arising out of the request made by General Pujiwara of Japan for bringing the alleged ashes of Netaji from Reakoji Temple atte the letter total to India :-

"In the light or reasonable doubts cast on the correcthese of the conclusions reached two Inquiry reports on the death of Metali Subhas Chaudra Bose, the Government finds it difficult to accept that the earlier conclusions are decisive. It will, therefore, not be possible to take any action at preseat on the suggestion of den, Fujiwara to bring the alleged ashes. I'AN Thomas Mass out to view to

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The discrepencies of a fundamental nature in the verious versions of alleged death and news of plane crash, british Government decision to treat Metaji as a War Criminal after the alleged crash, sehru's letter to Atlee referring to Retail as a war Criminal after the alleged air Crash, Thursed Neuroji's letter to Louis Fisher interalia prove "staji's existence after the alleged aircrash. All these demand an inmediate disclosure of all the documents on Netaji and INA those have been kept as classified and remain a mystery of his activities after 18th August, 1945.

21. Ministry of Defence, Government of India has started declassifying some eight hundred classified documents out of about 9,000 documents on Netaji Subhas Chandra Bose and his I, M, A. The accuments include some very vital reports of British Intelligence (C.S.D.I.C., C. I.C.) and Allied intelli-The rest of general or the variety of the last of the beautiful

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- latter build over the none as sens asked by an establish show our list smon were as deports amongst others. If those documents are declar saified and produced before this "on'ble court, Major part of the mystry will be resolved.

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A list of some of those is sunexed hereto and marked with the letter 'E'. "I SELEL OF

22. That such efforts are still under war despite the fact that the menkoji Temple in Tokyo was burnt into sshes due to a devastating fire in the early hours (dawn) on 4th September,1989 as per particulars circulated in a Bengali daily Campia and and of Calcutta, on September, 1989. THE RESERVE OF THE PARTY OF THE

A copy of the said paper with langlish translation is annexed hereto and marked as 'F'.

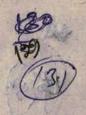
23. That on 27-8-1997 petitioners learnt from several widely circulated daily, Ajkel, Bartamen, Anandabezar Fatrika, Asianige from Calcutta published on 27-8-1997 that the respondents intend to tring the alleged ashes said to be of Toma denkoji Temple, Tokyo. It deluces one as to why the respondents are bent on establishing framed-up story of sircrash despite plethors of evidence in support on Metaji's existence much after the alleged airerash. Such desperate bld to propagate falsehood in the name of truth is clearly indicative of a malafide intention.

The petitioner made a representation to the respondents on 4.9.1997 to ascertain the correctness of the news manur stated thereunder, but the respondents remained silent till date, which confirms the correctness of the news.

A copy of the seld representation dated 4.9.1997 is annexed hereto and collectively marked with the letter 'G'.

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24. That in view of the foregoingfects and circumstances as well as informations available petitioners believe that Netaji Shri subhas Chandra Bose did not die in the alleged Plane crash at Taiboky on 18th August, 1945 it was deliberate concected by Japanese authorities to enable him to reach the Mussian territory across the Muncherian border. The petitioners further believe that possibly inclusion of his name in the war Criminal list is the only hardle for his return back to home land.

25. That the petitioners, considering it necessary to verify the correctness of the informations havemade a representation on 12-12-1997 to the respondents to confirm the facts mentioned hereinbelow :-

- Late whri Sureah Chandra Bose, elder brother of Metaji

  Sree Subhas Chandra Bose, as a member of the Metaji Inquiry

  Committee (1956) in a letter dated and April, 1856, asked the

  Prime Minister Fundit "swaharlal Mehru to clarify: "whether

  the name of petaji Subhas Chandra Bose was and still is in

  the list of Mar Criminals drawn up by America and her alli
  es". Fundit Mehru conspicuously remained allent over this

  vial question and Fundit "chru, in his life time, never

  answered this question for the Feason best known to him.
  - headed by Shahnawaz shan, Late Mathuramalings Thewar, axMasher of Lokanya, asked almost identical question to Shahnawaz Shan, The reply of Shahnawaz shan was :

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information (whether detail is still a war Griminal).

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This information lies with the U.K. and U.S.A. The Government (of India) cannot issue categorical statement in regard to this question (whether the Government of India would state categorically that the declaration in regard to war Criminals does not bind this Government )".

- c) In reply to the submission made by Shri Miharendu
  Dutts Mizumder, Counsel of Late Shri Suresh Chandra Bose,
  before Metaji Inquiry Commission (1970), Justice Moslar
  Chairman of the Commission, pronounced on Elst January
  1971 : "Mith regard to the statement I made in Delhi that
  "etaji's name should not go on any MAR CAIMINALS MISTS,
  that of course, will be proved in due course and I trust
  to your satisfaction."
  - i) In spite of his pronouncement, twice, in course of Metaji Inquiry Commission's proceedings Justice Ehosla did not and/or could not satisfy the Counsels and the citizens of India at large, producing accuments which would have proved that Shri Subhas Chandra Elese's mame was and/or is not in any war Criminals' Lists. There is not even a whisper about this in his findings.
- Air Force by and through a letter dated 15th February, 1997
  to the Socretary General, United dations Organisation seeking
  his intervention against dubbing detail as 'war Criminal'
  "the Great Indian Freedom Fighter, Metaji Subhas Chandra Pose
  deserves the world Rody's Favourable consideration to relieve him, dead or alive on his centenary occassion from
  the dishonourable reference as a 'was Calminal', unjustly
  and hastily dubbed by the Super Powers of the U.K. and
  U.S.A. may I on behalf of Freedom Fighters and the people

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of India, seek your intervention to rectify the distor-

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In reply to the said letter the Executive Assistant to the Secretary General communicated to the Goyal by and

the part of an interesting the secretary Generalcis aware of the great regard the part of an interesting thich details is held, but the improverless to undo references that may have been made in the past. "e is confident that no United dations agency or publication would use the term there Criminal' in reference to demand the date and doors attail in future". The secretary Generalcis aware of the great date of the secretary Generalcis aware of the great date of the great of the great of the great date of the gr

- all tie leading news papers in India of which, we hope, the
  Government of India is well aware of . mkb. About six months

  the passed, the Government of India have not yet contract
  - g) We, on behalf of citizens of india, demand a Comprehensive WEITE Paradeontaining all the documents, informations relating to the Mysterious, Disappearance of Setaji Shri Subhas Chandra Bose, since 18th August, 1945.

A copy of the representation of the petitioners dated 12-12-19971 is ennexed hereto and marked with the letter 'H'

tement in this context and it could be well presumed that
the respondents have nothing to stand in contradiction to the
foregoing statement.

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27. Petitioners assert that some important documents relations ting to disappearance of "etaji Shri Subhas Chandra Bose since 18th August, 1945 have been lying in the custody of the respon dents and those are collected certainly at the cost torne by the public exchaqure and as such the respondents are under obligation to produce all documents and records including documents described in annexure 'a' hereinrelating to the present at a . read and rdispute ded ered were tout he snows an

28. Petitioners submit that it is incumbent upon the respo ndents to inform the citizens of India about the exact states of affairs relating to Metaji Sari Subhas Chandra Bose's mydesired as a sterious disappearance and his whereabouts after 18th August. out . open ov . noil946. Final at stagen aven selbe of but the

29. 't is further submitted that the respondents have most illegally and with an ulterior notige have suppressed the entire facts in the matter of the great Indian leader of International importance, for which this Bon'ble court should interbane and command the respondents to disclose all the doctments preserved in the dational menimes achives and under the Ministry of Defence Union of India.

30. retitioners submit that the petitioners are entitled to know about the correct state of affairs in view of the question nier placed by Suresh Chandra Bose, "athoromalings thever and ari Minarenda Dutta Mazumder as described herein-alove, which the respondents have avoided for decade reasons for which best .Japosieje gnicep.og known to them.

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right to know whether "stall Shri Subhes Chandra Bose is a
"" Galalial" of Government of India or whether there is any
Indian Man Calalial of India and the respondents are under oblightion to disclose the exact state of affairs people of India

32. Fetitioners further submits that one of the secool text books on History written by professor lipsn Chandra contains references to the said story of air crash at Teiboku on August, 18,1965 which is well within the Inowledge of the responder ents, and the respondents are absolutely raticent on this subject, which is malafide, delusive and motivated too.

33. Petitioners further submits that the respondents by allowing the authors to publish such felss on febricated story about Metaji Shri Subhas Changra Bose have unleashed a disinf ormation compaign which should at once be restrained by the intervention of this New'ble court.

34. That being aggrieged and dissatisfied with the acts, activities and conducts of the respondents your patitioner begs to move before this hon'ble court under writ jurisdiction of the following amongst other;

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i) For that the respondents ought to have inform the people of india about the true and correct state of affairs relating to Netaji thri Subhas Chandra Fose's mysterious disaprearance on 18th August, 1945 and his whereabouts since then
in view of the records and documents available to the respondent but the respondents have deliverately suppressed, which
is malafide and illegal, for intervention of this Hon'ble
court is necessary.

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1.3.2.10。1.4.4.10分为19.000 (2.0.02) (1.0.4.10) (1.0.4.10) (1.0.4.10) (1.0.4.10) (1.0.4.10) (1.0.4.10)

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gally withholding and suppressing the documents and records remaining in their custody without disclosing those records and documents to the people for informations.

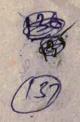
- iii) For that the respondents are deliberately and overtly indulating in teaching wrong and incorrect lesson of history to the students and people of India, which is malafide and illegal in depriving people from true and correct information
- than the last five decades regarding the informations relating to Metaji shri Subhas Chandra Rose and Indian Mational Army are continuing malafide, unfair, illegal and misleading the people of the country and as such intervention of this Hon'ble is necessary .
- v) For that the acts and activities of the respondences are allthrough malafide, misleading and illegal and as such intervention of this Hon'ble court ism necessary.

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Shove your petitioners most sumbly pray
that your Lordship may graciously be
pleased to issue;

the nature of Mandamus commanding the respondents and their subordinates, servents and agents to declassify and

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35. That unless on order as prayed for is passed you petitioners as well as citizens at large of themshion your ld so deprived of the right to know the correct state of affairs relating to the great leader Motaji Suthas Changra Bose and the role of Government of India towards him.

petitioners assert that on the self same cause as affine extragent outs 134. other procedures have been initiated before any other forum and/or before this Southle court.

and in the day and and the That the instant application is made bonsfide and in the interest of justice.

Under the facts and circumstances stated above your petitioners most bushly pray that your lordship asy graciously be

a). Leave may be granted to telitioner No. 1 to appear in person of behalf of the telitioners; a writ of and/or order or direction in the nature of Managers commanding the ASSESSED AND AND ADDRESSED ADDRESSED AND ADDRESSED ADDRESSED AND ADDRESSED AND ADDRESSED ADDRESSED AND ADDRESSED ADDRESSED AND ADDRESSED ADDRESSED AND ADDRESSED A respondents and their subordinates. constant formation of the contract of the contract of servents and agentil to declassify disclose all (documents) relating to "eteji subhem Chandre Bose including In-Thousan say said to the said dian Astional army

A writ of and/or order or direction in the nature of Meadamus commanding the The plant is the superinster, so to are a categorica

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statementWhether the name of Netsji Subhas Chandra Bose was and still is in the list of War Criminals drawn up after the "Second work War" and issue a press communique to that effect;

A writ of and/or order or direction in the na ture of Bande us commanding the respondents and their subordinates, servants and agents not to allow any agency or publisher or any person to publish the story of the death of Metani su bhas Chandra Bose in the allegedFlace crash on 18.8.1945 by publishing any book, liflet or by any means whatsoever in this context .

a writ of and/or order or directions in the nature of cartiorari requiring the respondents and their subordinates, servants and agents to produce and/or transmit all the records, files and documents as mentioned in annexure. The disappearance of "etaji Shri subhas Chandra Ba since August, 18th, 1945 and subsequent thereto

a writ of and/or order or direction in the nature of Pandamus commanding the respondents to disclose the stand of the Government of In die regarding "etaji Shri Subhas Chandra Bose if he is found on Indian soil "whether devern ment of India will welcome him or handover hi to the Allied fordes" and make a press commun que to that effect ;

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I mpare Jyoti Bhattacharjes son of Shri sentosh Aumar Bhattacharjes aged about 42 years by faith Hindu, by occupation begal practitioner resident of Flore Park, Goaltuli, P.S. Chiasurah, P.O. and District Hooghly do hereby solemnly offirm and say as follows:

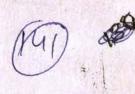
1. That Im the petitioner No. 1 and am well acquainted with the facts and circumstances of the case and also I have been only authorised by the petitioner No. 2 to affirm this affidavit on his behalf and as such I am competent to affirm this affidavit.

2. The state made in paragraphs 1,2,2,4,5,5,7,18,19,25,26,35 and 37 are true to my knowledge and those made in paragraphs 8,9,10, 11,12,13,14,15,16,17,18,19,20,21,22,23 are matter of records which I verily believe to be true and those made in paragraphs 27,28,29,90,31,32,33,34 and 38 mm examphababes6 are my numble submissions before this Hon'ble Court.

Solemnly affirmed by the said Sri Rudra Jyoti Bhattacharjee at the court House at Calcutta on this the 11ft day of February,1998.

58).

Before me Commissioner 2050



ANNEXURE-A

8 THE TIMES OF INDIA, BOMBAY FRIDAY, SEPTEMBER 13, 1995

# Asiatic Society team finds new material on Subhash in Russia

By Sudhin Day

The Times of India News Service

CALCUTTA, September 14.

The three-memic of Asiatic Society
acholars' team, which had gone
to Moscov recently to study some archiral material, has found new facts
about Neta; I Subhash Chandra Bose's
presence in the Soviet Union after
World War II.

The archives in Russia, which were earlier closed to foreigners, have now been thrown open to scholars for research work. This is the second time that the Asiatic Society has sent scholars to bring back material on India from Russian archives.

Team leader Purabi Roy said that they came across some material which stated that a Soviet agent in India, while going back to Moscow in September, 1946, Carrying a letter from Jawaharial Nehru, had in a .e.

port to the Soviet consul in Teheran disclosed that Subhash wanted to negotiate with the leaders of the Forward Bloc in India.

Yet another Soviet scholar B. Tur adzev had in an article in a journal. Asta Africa Today, in 1993 wondered why Moscow and Delhi were silent on the question of Subhash's disappearance as he knew there was relevant material in the Russian archives to throw new light on the matter.

Ms Roy said that Mr Turadzev had obtained the material from the KGB and the president's archives which were not accessible to the Indian scholars. Mr Turadzev said that he was not prepared to delve further into the matter as the Indian embassy in Moscow requested him not to proceed with the matter further.

Asiatic Society general secretary Chandan Roychaudhurl said that he had personally taken up the matter with the Indian ambassador in Mos cow who denied any such interfer ence by the Indian embassy.

Ms Roy felt the government of to dia should impress upon the Russia, authorities to permit Indian scholars access to the KGB and the pressident's archives as it might help clear the mystery of Netaji's disappearance. Mr Roychaudhuri said he had already sent letters to Prime Minister P.V. Narasimha Rao and the external affairs minister to use their good offlyces in this matter.

The Indian team, which stayed in Moscow for two months, has brought back photo-copies, micro-films and hand-written notes of more than 1,000 pages. These documents relate to the activities of Indian revolution aries in the Soviet Union in the 20s and the 30s, including those of M.N. Roy, Raja-Maheridra Pratap and Abadil Mukherii

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INDIAK EXPRESS

New Delhi Tuesday 19th Suptember, 1995.

## Govt apathy leaves Netaji's fate buried in Moscow's files

by Udayan Namboodiri

CALCUITA. Sept 17: Indian historians say two files lying in the archives of the disbanded KOB at Mescow may help solve the mystery shrouding the fate of Subhash Chasdra Bose, whose "death" in lan air crash at Tafhoku Airport in Tajwan in August 1945 was disbelieved even by Mahatma Gandhi.

But a "tragic" aspect of the story of Netajii's disappearance is the Indian Government's continued are the land in this regard in

But a "tragic" aspect of the story of Netaji's disappearance is the Indian Government's continued spathy in this regard. Indian scholars are finding it an aphill task persuading the Ministry of External Affairs (MEA) to

cooperate in order to end once and for all the biggest enigma in the annals of the freedom movement.

"The dissolution of the USSR

"The dissolution of the USSR is seen by the governments of most countries as a period of great opportunity. They are encouraging their historians to go through fiftherno secret archives in Moscow to unravel those parts of their histories that were shrouded in mystery during the communist cra. The Russian Government is quite generous about opening up these archives, "Dr Hari Vasudevan of Calcutta University's Russian Studies Department told Indian Express here on Mooday.

"While scholars of most western countries are making the most of the archives, we are suffering for lack of our MEA's cooperation," said Dr Vasudevan, who recently spent four months in Moscow as part of an Asiatic Society team, studying and compiling material pertaining to Indo-USSR relations between 1917 and 1947.

The two files are to be formal in the archives of the KGB and to read them, the scholars require letters from the MEA for grant of permission by the Russian Covernment. But repeated requests to Minister of State Salman Khurshid and even the Prime Minister went unheeded.

### MLAs may join Congress

FROM S.P. NANDA

Bhubaneswar, Sept. 25: The dissident Orissa Janata Dal leader and former minister, Mr Jagannath Mallick, created a furore in the Assembly when he sought to state tifat 26 bal MLA: including two ministers, might join the Congress(1).

As he was not allowed by the Speaker, Mr Yudhisthir Das, to make the statement, he told newsmen 'er that he had documents proving that 11 Dal legislators and two ministers had expressed their desire to join the Congress(1).

Mr Mallick said they had come to him to enquire whether he was Leaving the party and joining the Congres i). They wanted to shift their allegiance to the Congress(1), he said.

On the floor of the Assembly, Mr Mallick sought/to explain the Dal deputy chief whip, Mr Pradip Maharathy's statement that he (Mr Mallick) was joining the Con. ji's disappearance since it will as the Burmese leader, Bamo, as gress(I). He also tried to clarify reopen the entire issue," said a part of his war time strategy to Mr Maharathy's statement of being threatened over the telephone by Congressmen to join the their party or face death.

Mr Mallick said he had not decided whether or not to join the Congress(1). When he referred to

### 26 Orissa Dal Vietnam archives hold key to Netaji flight

FROM PRABHA IAGANNA LHAN

city of Saigon may even today piece of Indian history related to over Netaji. Any talk of this is the disappearance of Netaji Subas Chandra Bose during World War II. Ironically, though, the Indian government seems reluctant to pursue this lead.

The government of the Socialist Republic of Vietnam has access to certain pictorial and documentary material on Netaji's last flight - during

mosa) and Tokyo in Japan according to the authorities.

"There is accessible material China was under Japanese domination. However, the Indian highly placed source.

However, Indian embassy offi cials, who admit the existence of

last thing we want is to embroil hold the key to a crucial missing ourselves in another controversy likely to get blown out of proportion immediately in India."

While some of this material was acquired by the government of the Socialist Republic of Vietnam in the post re-unification period from the authorities at the Majestic Hotel, where Netaji was put up by the Japanese government, material on Netaji which he made a sojourn in Sai is also believed to have been gon city on his way to Taipei (For- accessed by the government here while collecting archival before his final disappearance, material on both the World War II and the Vietnam War period.

Located along the Saigon here on Netail's stay in Saigon in river, the M jestic Hotel, once 945, when a arge part of Indo considered the city's most elegant and prestigious.

Netaji is also believed to have government is reluctant to pur met the Vietnam Cong Sai. (Vietsue this lead, which is likely to nam Communist party) chief and nelp us unearth some exceeding father of the Socialist Republic ly interesting material on Neta of Victnam, Ho Chi Minh, as well garner support for the INA and Azad Hind Faui

"some material" including news ta Basu, who has for years been before he was flown on a Japane paper clippings related to the trying to get the Indian govern- se plane in 1945 to Formosa

Ho Chi Minh City, Sept. 25: The event, dismiss this, saying, "The ment interested in retrieving all archival material related to the 51 ear-old mystery of Netaji's disappearance in 1945, said, "There are a lot of theories about Netaji Subhash Chandra Bose's last flight in 1945. In 1943 (Octo-

INDIAN GOVERNMENT RELUCTANT TO PURSUE LEAD



ber 21), Netaji made Singapore his headquarters for declaring independence of Azad Hind from the British and opposition to the Allied forces. He met and discussed strategy with many leaders in The Forward Bloc MP, Mr Chit- the Southeast Asian region

Some widence suggest that he did sto over at Saigon. Others claim is just a smokescreen."

Mr Citta Basu, however, personally met former INA members in Thailand and Singapore who confirmed that the Netaji did stopever in Saigon in 1945.

Netaji Centenary: Now involve ed in efforts to get the Rao government interested in nationwide centenary celebrations of Netaji next year, Mr Basu, in 1990, presented both the Indian embassador as well as senior government officials in Moscow vith all the documents on Netai. "I requested senior party officials to help in retriev ing all naterial on Netaji by accessing their wartime archives. They agreed, but the Indian government did not pursue the matter," he said

When Mr Rao became Prime Minister, Mr Chitta Basu met both Mr Rao and the human resource development minister. Mr Arjun Singh, besides the Indi an Council for Historical Resear ch (ICHR) officials on the issue.

He also wrote to "friendly governments" in Southeast

as well as in UK, Taiwan, China and Japan. But nothing transpired and the Indian government showed no interest in the centenary celebrations, either.

Without the Indian government's active interest and support, Mr Chitta Basu stresses, there is no way of getting authentic information on what happen ed at that point of time in Indian history and the Freedom Movement.

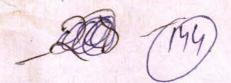
Supreme Court verdict: Meanwhile. Netail scholars and academicians in Calcutta are eagerly awaiting the preme Court verdict on the . ard of the Bharat Ratna to the Netaii, posthumously, by the Indian govern-

The verdict, which is due at end October, is related to the contest of the award, both in the Cal cutta High Court, and later, at the Suprer Court, as "fallacious, since the Netaji's demise has not been factually proved."

It is expected to restart the decades-old controversy on the Netan smysterious flight.

The government, which was asked by the Supreme Court to provide any evidence it may have on the issue, declined, arguing that all such information was classified

Efforts are on to get the material declassified







বৃহস্পতিবার ২১ সেপ্টেম্বর ১৯৯৫, ৪ আন্ধিন ১৪০২

## মস্কোর আলোয় নেতাজি

न नरावतः अश राभद्रित धनत चारमात सन्व aix miste his tile alless an alless form ভিতেতে নেতাভিত্ব প্রস্থলন বিষয়ে নতুন ভিজ্ঞাসা নিয়ে। মন্ত্রোর মহাতেজধানার ন'বলতের ইদিত, নিয়ান সুখনিনাত द्रवर्शिक पदा क्यांत्र, अकर किन द्राव कावन । कार्य किन

STE STANKE.

बाकार विद्यां अन्याद महा करत अनुसक्ता कररास्त र्शनराधिक स्थानाहरिय এथ है है। यापवन्त विविधाामरघर क्षाप्रकारिक मन्दर्क विकार्गन स्ववाणिका एः भूतवी बार. क्लकाका विश्वविद्यास्तरण वाइविकात्मक खरामक त्याक्रम wood bet Efective comis efeathtrante fate other ecutem of the posts reces in care income भाग नर्थंश्र हिन बानियार शहन शहनवनाव काम । व्यनियाधिक CHIMISTS AN MERSAIS HIGH GEGE BIES MEGICES DIATE, DA TINE POR MUSIC

neas un facent im facuce for stumu कार्याककारक प्रदेश किएक कार्याक कार्या वार्या त्यामह खाटक छाडमह क्नाजाटार व्यक्तिकारिक त्यामाध्येत्व o মানিচিতে বিদেশ মহবে: বিবেশমহী প্ৰণৰ মুখোলাধ্যাত नित्व देख प्रदान बरम वरे विरमार्ट नित्व खारमाञ्चा কৰেছেন। এলিয়াট্ৰ নোসাইটির সাবারণ সম্পাদক ডঃ চম্মন and fife per miere wine munici ersie fefere effecte o fecusative erracive news a fence द्याववातुक विद्यात क्यांबरका द्राप्ता बरम त्यांना याण । विक हाबनाहरू किमि श्रंबरी करदान नत्याद निर्द्याद्वामा

יונבשם שנאם איאור שוונד ש שמשוטונ मार्थाविकत्वत काता बर्लाका देखा प्रत्यात कार्विकतम ध्यम् निकाद्धः महान ,मराराम श (थर काना धार, प्रश्नम् त्यव द्वदाव वृ'वहव धार्म, ३३३८ मारम क्रांकि ३६ निर्क (मास्टिक बाइपूट सारकः धानिएक प्राचाय वर्गमन अक्लारक माम व्यक्ति त्यानात्यान वाचित्तन। विनि লোভিয়েত ইউনিজনে খেতে ক্রেছেপেন। সম্বর্থ যুগ্তর মধ্যেই সেভাতি ক্ষেত্রিন গোণনে সোভিয়েত ইউনিমনে কাটিছেছিলেন্ত। এই সহঁছে চৰিষ্যৎ পরিকল্পনা নিছে সোহিছেক সম্ভব্যত্তি সংগ্ৰহাত বোঝাগড়া ইছেছিল।

क्लकाराह )) (अल्डिबर्टड आसाविक जामानास उः क्यम बार्डीशृष्टि बर्रलाक्य, कार्यक रक्षिक गरवक यम भएका करवकि बार्कारेट १४१० पृत्राकांत्र भृशेष जारे निर्दे धामान्य। तरे बाकार ध्यक्ति वर्ग, व्यक्ति वाक्षिक्रण, efocus student with custo studie without. त्र-तर्राहरीए देखिए। अवकारि कार्काहरूम, जान क्यांट्स धाराहिक्त व वर्षध्य वन ः शास्त्रमास्य विवनं ध्रक्षाक्य

হাছে এবছাল চহাচেত্ৰকা বৈটে প্ৰতিটোক নাজাটীৰ নাম্বৰপুদ্ধ কেন্তু মূলাবান অহা-উপালিন নিচে এনেছেল তা বেচে বিৰম্ভ দেব হুবছাৰ লভা নেতাৰি culture Estable fries aim with vicin income भागत हिंदी है। मृत्ये कर उन्तताय मारवायक आदमान ecrete open wine criticis (vitality fewa of all dense and all the car of the per series to armida wise the visit before illes ate face nimina o chindre etech watanin calos com esta St. feli men none me cetence भाकित्य कामानात रामन, मुखायात यम् काराव reacts stor prestre his unnited been bitter ! CH MAIR DECORTS BORE CACCIONS ALSO AN ALES. CHAI हिल्ला जाराका हिल्ला महरका बन्

का मुक्री शह बावन कान्स्ट्राइन, त्माविस्ट म्स्वर वे द्रशायक त्कारिक वि वे त्याविद्याः ध्यानित्यत्यव व्याक्षायात्र cuta nentra Smirica fatate atrican, affecte धार्कर्त्वात मुकावडच रहेर धारतीन विवाह क्रान सर प्रश् ... त स सक्र कामार चनर महून कारमारूनार करार। the uture there wishes a free attitle aton ntere deintable and thus magic attacks. ce कि वि किस्स : स्टीमा अपने क्या के किस्स (संबंध किस्स साब नेतः कारण कारण, -,कार खारकीर प्रशासन (बार

## হাতহাসের পটে সাম্প্রতিক

## পবিত্রকুমার ঘোষ

সোভিয়েত কর্তৃপক্ষক এই মর্মে অনুরোধ জনালা হয়েছে ৰে, কোনও ভাৰতীয়কে এই আৰ্থাইভনে কো চুক্তে দেওয়া ना इए। वालियाद कारटटर राष्ट्रण्टानाम की कार्किट्यान वधारीति खबीकात करतरक ।

তৰু ডঃ চন্দ্ৰন ৰাষ্টোৰ্বঃ সাংবাদিক সংক্ষেত্ৰ शानिरशहन, टिनि शन शर्फनि। टिनि बापाएन विरान nates once witers offices, to be is set on ध्यित्रराष्ट्रव व्याक्षाहरूतम् अभिकारिक स्थामाद्यप्रिक भरवद्यवस्थव गरववना कवाव मुत्यारमद बावना करव चिट्ठ।

मह खारवपन माद्य ६०गा पृत्व वाकुक, सवानमंत्री नवरिन-बाउ जनियारिक त्यामारेरिव वनाइ ठटर निर्वादन । साह ११८ স্তাহে ভলকাতাত এপিলাটিক সোমাইটির অনুষ্ঠানে খোগ (पर्यत क्या पिराठ स्ति पानि। ६६ धन्धात निवाधार िकार्यान कर निर्मिट छेन्पिया भावीत दशक विशिष्ठ উरवाहन क्टार कथा दिन स्थानमञ्जीहा

exercis fela culva de deves crassecta সেঘিনই পিলিতে ৰাজানো হতেছে ইপিচারি খণ্টা। খোদ এ चाह नि मिन्ह पूजनाड कि का गार्कान मार्थाविकराव रहरू ৰপেছেন, এশিঘাটিক সোসাইটির গ্রেবকরা মাছা থেকে निरुक्ति मुद्दा महाथ समर ३थ मध्य वटा बटाइन CHER WI (मट्न सरराज्य नद्न ७४४ कराउ हर्ष चाराज अवकाद (का - अरग्रीह प्रशासनी बनुदाही ১৯৯৫ সালে ভাইছোকুর বিমান দুখটনায় নেরাভির মৃত্যু रपनि ।

वर क्याकिक विभाग पूर्यमात वह वेकान वहत त्वतिहरू निरमार । अर्थ कर नरानी सुद्ध बन्धाना विटर्न इनारमक त्तराकि । पृहानरवाप कान वित्तरे श्रमाणि इस्ति। त्र अपर कानव महबादि कर्नुगम वह अताम शहादक करवनि। নেতাভিত মৃত্যুবাঠা অখ্য পতিবেশন করেছিল ভাপানি সংবাদসংখ্য ঘোমেই নিউভ এখেল। তাও খটনার পাচ্ছির

कर मरवारम कामा ना रवरम शक्कर की महिल्ल का जनाव जना अध्य नाम दिन्ही नजराति एक प्रानुदा আলাদাভাবে লোডেখা তদঙ চলিচেছিল। এই কিনটি শব্দ हम : दक, मई क्टार्ट्सम कावड महकार। पूरे सई ষাউইনাটেনের সাউব ইস্ট এলিয়া স্থালারেড কমাও। ছিন, জেনাতেল ম্যাক আবাতের ইউ এম প্যামিকিত আর্মি। ফাপানি ৰমল থেকে কৰমোনা (বৰ্তমান স্বাইওছান) যুক্ত হলে চীনের टबनकार कियार कार्यालक अरकार्यक स्वार्थिक छार्याल छार्याल छार्या धनुमधान करहदिसान, मठाई ३०४४ भारतह ३४ धानमे कार्राश्च विमान क्यार कानत विभाग कार भारतीय वि mi ceitus face acute eto visites necite con tistem, at enfere and gibte fentill corefem. wice with a ne ace coolin mai faculation on ac-Me, are arceitre

of cut ore san saces carrolles fermit sue and notice extri les outrains est alse als अप पुढि विभान प्रदिनात माठवरी विन यह अवानभन्नी खाएलिंड अंडबांडर ६० उम जिल्हें हिल्ला माहित्ह tices suces on efficient i feculti tel

שוכם שופס אבשונפנ שפנים קום שופנים מכבובמים, ৰসুৰ মতি ঠাৱা কোন আচৰণ কৰবেন। (ভ) বসুকে ভাৰতে करन पुर कवार अभवाद विकास कता शहर कित, (व) सामार विकास बाजी व मानार १४८० वन एक करवरस्य बाम वह मूछ त्परमह सामानटर देशक त्मानम कहा शुर किया, (ग) जाबटट बाहेटब मार्थावक भागमाट देशक विकास कहा दान किना (प) कान्द्रक देश्तक दश्यात संदर याचा प्रदर्ग किना (১) ভাৰতেত পাইতে কেনত বিটাৰ ভতিত্ত হৈলে বস্তে साठक बाबा द्रांद क्या (b) वर् एटराटर द: ा टमबारेगी

टाएक बाक्टर एकका द्राव किना; या दवि एकका द्रव टा दर्भ है। इस कासमा कराउ काम महकार जिहे।

ৰিমান পুৰ্যটনাৰ সাহখাট্ট দিন পৰ পাঠানো বিপোটে .नटाकित संदि की बाठका क्या शर तम निर्देश **ठाउ**गात वर्ष रम, किन बीविष चारमा। बठाँदै दिम वदारकम अवगारक zurus ficin i encem ficut die bicefece निरंपिरान : "मृश्चाराध्य वमूत वृक्षा मरवारव बायात्र प्व मत्पत्र भारत, देनि चाप्रत्यानन गन्नट्य शहरम जनक्य श्रीनाह

নেডাভির মৃত্যু নিবতে জাপানি হাচার পোনায়ার ওচাতেল पनात्व महाका मन्नार्क मानाई करबहिरमन। क्रमाव नर देख अबकाव निर्ण्ड १४, उत्साचि मूच त्यदं त्याविदण्ड १ जैनवद्य निर्देशस्य । त्राकित्वर महनार रूपनर हिस्स्तार विजनमा उपन् शेष्टः हुए त्यानापूनि एक रहनि। विक्रिन मार भावित अवानमंत्री आविनित भारत हिन अमरि नीन हार ছাল। ব্যক্তির তাই প্রকাশ ডিক্সডার কননি। সেকনাই ভারত সরকারের স্বর্য্টে সচিব মনে স্বরেছিলেন, সুচারচপ্র বসু देश्यक नामार्क्स मरवाहे हरवरकन देशक स्मिक्टिकर PSARA MACO MORIO SCH, WHILE ECUI MANICES महाबहार द्वारक (अधार करत मिरह बामान याए।

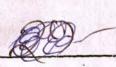
कामित्वर प्रत्नाकाव हाइड क्या क्यार्क्स महकारवर भरक अक्षर दिन मा। किंक चारवं विरुगार्टिंग वाकि चारल नारि ৰুবাই ছিল। এলিচাটিক সোনাইটির গবেষকদের সংগৃহীত BLO CHE L'ALE FACHCE!

ourseus urell undfantin ast uns sistee जिटाकित क्षा कीन सवटमात क्षेत्रक केतिरविद्यान। **ब**ई.पूरि क्ष्मरबंद विरमार्ग सम्मानिक श्राप्ति। किन्न पार्किन्सार्कारम आर्याहरूक रमधानाची ब्रिटिन व्यक्तिमारबह महना उपर श्टब्राह । कारक वह क्यिभाव बरमाद्यतः "शांठा बालावरिह अ:पर्यन्त । विभाग पुर्यानात कथा **कार्ट्यक्टकर बा**नात्ना इटबट्ड। महरूव कारूनव वन् बन्त द्याचार नामिटा निर्देशका" ३३१४ माल नेक्टन कारकीत राहकपिननात उन ि रचारक अनिष्ठि श्राटक क्ष्यारक क्यारक क्यारक बार्माक्ष्मत . "मुकायका बमूब मृद्या निवाद त्वामन महकावि (वक्ष व्यामात काट्य किंग ना।

**(बनाट्डन शान धार्थाट्ड प्रमड विट्ना**एँक डटडटर बश्चानिक। किंद्र 'क्रांकिक निकार' ज्लाबाटन की निकार क्षिभद्धं क्षात्रमान का बाधानिद्धार भागत्व धारपविकान रिकासन्ति बर्फान्टिकानः योज्ञ ब्यार्कात्वन प्रयाद काना निरंदरः, विषय प्रक्रिया मुखायाम यम् निर्व दननि—विनि MINCHES I STREETS CHRISTS WHEN WITH MENTER. fers heren mater fixy!

न्य कार मान्य कार्य क्षेत्र अस्त कार्य कार्य कार अविष् क्या का बाहिन राज पानिम बाब नारम अन कारणान जानिरहारका । किन मानि कार यहा बरव नरवयना ठालिएर दक्ष बामरक लातारमा किंद्र रकामक बानामि अदकार चाण नर्दत्र द्रोडाणिड प्राप्तम वद्या निर्देश पाचा वामात्म वहकार पर्न करहति। स्वन मा पुढ स्थर आस्टिएर रजेतरत अवस्थित भाषि तक्या महत्र स्टाहिन उरकार्मान काणाम महकारधर श्राडाक महरवानिकार। धरे संवर्धातार ग्राम इटर्नाइटम्ब इम्हरून मार्थाः, द्वारा- व्यक्ति मध्य पव्य कामानि स्मनावाहिनीत कहाने, माहबद्ध विकान्तर विवाह ভাগানি ভয়তের ভিত মার্পাল তেরাউচি, ছিবারি কিবানের श्रदान (सन्तरमा देशाका कर एकतकिक अथ। यदावा रिचक व्यक्तिमान कट्निन हेन्छ। बाक्षतिमा मीमान निहर সোভিত্তের এলাকা সাইবেরিয়ার নেতাভিত্ত হাওচার ব্যবস্থা क्रेबाई करबहिरामा। ए कृतिहा मीमाच भवंच अवह निपाल **ध्वराधिक मधी विकास कामानि एकनाटका मिएको।** 

নেতালিৰ অভবানই বিশে পতাৰীৰ ইতিহাসের সেৱা बाम्भुद्र। भक्तन वर्षात्रक क वस्त्रपृत्त क्लिन वर्षात्र। एरव करेंद्र निकिट, द्रारशिक साहित्यर देशनियान लाल वालिन टेर्ड क्यों किरवा कुन करहनति। इत्र-शांव- se रूपन कानित्रक मार्क्सिट मिन्स बटका यह त्याकित पित up were few without now wroter.



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# সংবাদপত্রের পৃষ্ঠা থেকে

Indian Life, 27 February, 1953

## Netaji in Russian Province

SECRETS OF K.P.S. MENSON'S INTERVIEW WITH STALIN.

Let not the people of India be swayed to and fro by the interested propaganda bal-Moo about the death or murder of Netaji. After a careful assessment of current reports from reliable sources, LIFE can now explode the cob-webs of myths and blasant bas about his death and essent the NETAJI IS ALIVE. BUT THEN HE IS NOT A PRISONER IN THE HANDS DF STALIN but he prefers to to a COMFORTABLE CAMP in a small village near MAGNITOGORSK IN RUS-

Dusing his fight from Siam in his unknown destination, the planes took off from the planes took off from the planes had met with the accident was not carrying Netaji

and the victim of the crash was a JAPANESE GENERAL. The Japanese Lieutenant KHAMI, the bodyguard of Netaji in the other plane is still alive in Japan. According to reports, the plane carrying Netaji landed somewhere in Manchuria, still then under Japanese occupation.

With the formal cessation of war which followed the atom bomb on Nagasaki and Hirosima, Japanese forces in Manchurla surrendered to Russian Army in the middle of August, 1945. Unnerved at the lightning speed of new developments, Netaji wanted to go in hiding but was captured by Russians and removed to a remote part of Siberia under orders of Kremlin.

বিমান দুর্ঘটনার সত্যতা निएं मत्मर ১৯৪৫ সালেও ছিল, আজও আছে। বরং নতুন অনেক তথ্য আজ্ব সেই সন্দেহকে অনেক বাড়িয়ে তুলেছে। একই ্ সঙ্গে অনেক স্পষ্ট করে তুলেছে একটি তথ্যকথিত দুর্ঘটনাকে সত্য বলে প্রতিষ্ঠা করার ষড়যন্ত্রকে। পরিষ্কার হয়ে গেছে সেই সব মুখ याता এই युप्यद्वत অংশীদার। দেখা যাক সংবাদপত্র কী বলেছে, কী বলছে।

লোকমত ৭

was also Twynam's view. I have not consulted other Governors again but when they were consulted last May Governors of United Provinces and Bihar were strongly opposed and Governor of Madras was prepared to accept but only as act of special elemency on the end of war in-Europe.

- 3. If commutations are sanctioned-I would make no announcement. Any statement that they had no political significance and were based only on delay would be disbelieved and would do no good.
- 4. Your telegram No. 176941 of August 10th was received after these telegrams had been drafted. I have not thought it necessary to alter them in any way.

1 No. 12.

IS

Sir E. Jenkins to Sir F. Mudie

Wavell Papers. Official Correspondence: India, January-December 1945, p. 262

TOP SECRET

11 August 1945

No. 1157

My dear Mudie,

The External Affairs Department are, under His Excellency's instructions, sending an official telegram! to the India Office setting out the points in which India is specially interested in any surrender terms imposed on Japan, and saying that we wish to be consulted about these points. The noting was seen in Home Department, and His Excellency understands that a "surrender list" of traitors whom we wish to be handed over to us has been prepared in the Home Department and sent to the India Office. Two of the points mentioned in the External Affairs Department telegram are (1) Indian prisoners of war in Japanese hands, and (2) the treatment of Bose and his associates and of Jifs. His Excellency considers that these matters require very careful consideration: in particular he is not at all sure that Bose and his immediate associates should be returned to India for trial. It might be better to have them dealt with as war criminals outside India. His Excellency would like you to advise about this. In the meantime he has sent the Secretary of State a private telegram, No. 1286–S,2 dated 11th August 1945, of which I enclose a copy for your personal information.

Yours sincerely,

E. M. JENKINS

1 '07' of 12 August L/P&S/12/4565.

2 On similar lines to this letter. Ibid.



HNNEXURE-10

57

Sir F. Mudie to Sir E. Jenkins

Wavell Papers. Official Correspondence: India, January-December 1945, pp 273-5

TOP SECRET HOME DEPARTMENT, NEW DELHI, 23 August 1945
My dear Jenkins,

I have not so far answered your Top Secret letter No. 1157, dated 11th August 1945, about the Japanese "surrender list" and Bose as I wanted to look up the papers regarding the "surrender list". I am, however, now enclosing a note on the treatment of Bose, in response to His Excellency's request for notes on any subjects that Departments might wish him to discuss in London. Whatever decision is taken in Bose's case must have the full backing of His Majesty's Government.

2. The note has been prepared after discussion with Smith and Tottenham. Smith is more afraid of the agitation that his trial in this country will cause than 1 No. 15.

THE TRANSFER OF POWER

either Tottenham or I and attaches less importance to the objections to trial outside India than we do. Otherwise we are agreed.

3. I have examined your suggestion that Bose be treated as a "war criminal". He clearly is not one in the ordinary sense of that word. Nor does he appear to come within the extended definition which has now been adopted by the United Nations. In this connection I would refer you to the air mail edition of the Times of August 9th.

Yours sincerely, R. F. MUDIE

Enclosure to No. 57

TOP SECRET

#### HOME DEPARTMENT

One of the most difficult questions that will confront Home Department in the near future is the treatment of Subhas Chandra Bose.

- 2. The difficulty of the problem is due to Bose's peculiar position as explained below:
  - a) Bose's influence over the I.N.A. is very considerable. It extends to the great bulk of the 12,000 I.N.A., both soldiers and civilians, already in our hands and probably to an even higher percentage of the estimated 15,000 still to be recovered. It affects all races, castes and communities almost equally strongly. They regard him with deep admiration, respect and confidence as a sincere patriot, as an able leader without peer among the overseas Indian community, as the organiser of India's first "National Army", as the protector of his countrymen under Japanese occupation, and as one who successfully dealt with the Japanese and was accorded by them greater respect and power than most other leaders in the same position. All this is in addition to his already great prestige as an Indian nationalist figure in his own country.
  - (b) Bose's influence over Bengal politics.—Bose is prominent in the Bengal political field and, in Bengali estimation, probably ranks little, if anything, below Gandhi as an all-India figure. As founder and leader of the Forward Bloc he possessed very considerable potential power for harm. To the youth of Bengal and to terrorists, in particular, he is, and has long been, a source of inspiration. His influence in this respect will in no sense be diminished by his recent exploits as Head of the Provincial [? Provisional] Government of Free India and Commander-in-Chief of the I.N.A.
  - 3. As regards the treatment of Bose, there are the following possibilities:-
  - (a) bring him back to India and try him either for waging war or under the Enemy Agents' Ordinance;

Markey Parket



(b) have him tried by a Court in Burma or Malaya for waging war against the King in that country;

(c) have him tried by a military court outside India;

(d) intern him in India;

(c) intern him in some other British possession, e.g. Seychelles Islands;

(f) leave him where he is and don't ask for his surrender.

- 4. I do not think that there is any chance of Bose being hanged if he were tried in India. The pressure for his release would be too great; also his trial would result in great publicity for his doings, motives, etc. On the other hand, trial in India would be the straightforward course and the trial as such could not be criticised. If it is accepted that execution would, in the end, be impossible then reprieve immediately after conviction, to forestall agitation, would be the best course.
- 5. It is extremely unlikely that the Government of Burma, which is engaged in appeasing the Burma National Army, would agree to try Bose and even more unlikely that, if they did, they would hang him. The Government of Malaya might possibly have no such scruples, and we might get a hanging if His Majesty's Government agreed to ignore agitation in India and Parliament however strong. But a trial in Singapore would cause almost as much agitation in this country as a trial here, unless it were held in camera and no news released till after his execution. But in that case we would be accused of judicial murder. It would be said—and truly said—that we had kept the proceedings secret to prevent his friends and supporters from doing all they could to save his life. Also, what reason could be given for trying Bose outside India when the leaders of the I.N.A. are to be tried openly in India? The long-term political consequences of this course might be very serious.
- 6. Trial and execution by a military court outside India would be open to similar objections but to a less degree, as the trial would presumably be less prolonged and military punishments are expected to be more severe than civil ones. Again, trial by a military court would suggest that his crime was killing our soldiers, whereas trial by a civil court at once raises the independence issue. On the other hand, this would be an obvious subterfuge and it is unlikely that the military would lend themselves to it.
- 7. Interning Bose in India would lead only to an agitation to let him out and to his release after a short time. He might then escape to Russia, as he did in 1940 (see paragraph 9 below). There would also be the usual agitation for a trial and we would incur the odium of detention without trial.
- 8. There is more to be said for detention and internment somewhere out of India. Out of sight would be to some extent out of mind and agitation for his release might be less. Also, escape to Russia would be difficult.

9. In many ways the easiest course would be to leave him where he is and not ask for his release. He might, of course, in certain circumstances be welcomed by the Russians. This course would raise fewest immediate political difficulties, but the security authorities consider that in certain circumstances his presence in Russia would be so dangerous as to rule it out altogether.

India or trying him in India and commuting the death sentence. The two might be combined and Bose deported (or "transported") after conviction. There would be considerable long-term advantages in a trial, but reprieve might raise the question of why military officers who joined Bose's Army should be hanged. The answer would be that their position in the Army greatly aggravated their offence, but this might not be accepted by the Army.

R. F. MUDIE,-23-8-45.

Home Member

58

Mr Rajagopalachari to Sir E. Jenkins

R/3/1/106: [] 134-54

48 BAZALULLAH ROAD, THYAGARAYANAGAR, MADRAS,
23 August 1945

Dear Sir Evan,

I am glad H.E. is again going to see what can be done for us.

May I request you to place before him the enclosed note? I am very anxious and so perhaps overdoing it, but it cannot do any harm if he knows how I feel.

Yours sincerely,

C. RAJAGOPALACHARI

#### Enclosure to No. 58

23 August 1945

I welcome the announcements as to fresh elections and the consultations with Lord Wavell once again. Anything is preferable to the stagnation in which we are now caught. But frankly I do not like the very leisurely programme anticunced by one of the provincial governments (Madras) in this connection, which would take us late into 1946. This would furnish an excuse for continuing Sec. 93 rule in the provinces for another twelve months. We have the right to ask why so much time is wanted in India for holding elections when at the end of the European war the British elections could be completed and revolutionary change effected within so short a time as we have seen. There is

to the electorate on a false assumption which we had not troubled to correct, and that the Muslim League had been treated unfairly.

4. The best way of making an announcement of the kind I suggest might be a reply to an arranged question in Parliament on the following lines:—

To ask the Secretary of State for India

Whether, with reference to head (c) in the Draft Declaration of 1942, which is to be the basis for further discussions between the Viceroy and the political parties in India after the forthcoming elections, it is the intention of His Majesty's Government that the right of any Province to refuse to accept a new Indian Constitution should be exercised by the vote of a single community in that Province.

Reply

8

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It is not the intention of His Majesty's Government that the right referred to should be exercised by the vote of a single community.

A reply of this kind does not commit us to any modification of the terms of the Draft Declaration or to any definition of the boundaries of Pakistan. It merely states that we do not intend that the constitutional future of any Province should be determined by any one of the communities.

5. I shall be glad to know what you think of this suggestion, which you will presumably discuss with the India Committee. If you accept it. I recommend that the question be put and the answer given as soon as possible. It will then be unnecessary for me to make any statement here—the first convenient occasion for doing so would probably be my speech to the Associated Chambers of Commerce at Calcutta in December, and this would be too late to reassure the minorities before the elections to the Central Assembly take place.

Yours sincerely,

WAVELL

#### 168

#### Cabinet

India and Burma Committee. I.B. (45) 6th Meeting

Those present at this Meeting held at 10 Downing Street, S.W.1, on 25 October 1945 at 12 noon were: Mr Attlee (in the Chair), Sir Stafford Cripps, Lord Pethick-Laurence, Miss Ellen Wilkinson, the Earl of Listowel

Also present were: Mr G. H. Hall, Mr A. Henderson; Mr E. A. Armstrong and Mr J. P. Gibson (Secretariat)



#### Minute 1

#### L/WS/1/1577: ff 128-32

## TREATMENT OF INDIAN AND BURMESE RENEGADES AND COLLABORATORS WITH THE ENEMY

The Committee had before them I.B. (45) 16 and 18-Memoranda by the Secretary of State for India.1

THE SECRETARY OF STATE FOR INDIA said that he had felt it to be desirable to bring this matter before the Committee because the treatment of Indian and Burmese traitors could not be considered separately from the treatment of offenders of British nationality in other British territories and in Europe. The main issue was the degree of cicinality which His Majesty's Government should be prepared to concede. The question of the Burmese renegades was the simplest and could be dealt with, to a considerable extent, as a separate issue. The two principal offenders were Ba Maw and U Saw. All others were of much less importance. Since circulating I.B. (45) 18, he had received a telegram from the Governor of Burma expressing the view that the only case in which a prosecution would be justified was that of Ba Maw.

Of the Indian civilian renegades recaptured in Europe and the 2,600 rounded up in South East Asia the Secretary of State for India said that the Government of India had blacklisted 129 persons, of whom they contemplated prosecution in only eight cases, two in respect of broadcasting from Germany. As regards offenders rounded up in Europe, the Government of India's view was that it would be undesirable and embarrassing to send these people back for trill in India.

The general feeling of the Committee was that there was much to be said in support of the view of the Government of India as regards the reatment of offenders rounded up in Europe.

The Secretary of State for India said that the number of/Indian military offenders involved was 20,000. When the Viceroy last visited this country the understanding was that lenient treatment would be meted out to those categories which the Government of India had classified as "grey", i.e. those who were not fundamentally and incurably disloyal. There remained about 1,000 persons whose cases were being investigated with a view to their being brought to trial. It was estimated that death sentences might be imposed and executed in approximately 50 of these cases. The Secretary of State for India said that he had had discussions with the Secretary, Military Department, India Office, (General Mayne), and the Chief of Staff in India, (General Swayne). They concurred in the Viceroy's view that if the death penalty was imposed it should be commuted in all cases, even where the offenders had joined forces against us, except

<sup>1</sup> Nos. 154 and 161.



THE TRANSFER OF POWER

in cases where they had been guilty of causing the death or ill-treatment of British or Allied subjects in or out of battle. The Secretary of State said that there was a disposition on the part of certain Indian politicians to marryrise the offenders but he thought that political agitation could be kept within bounds if death sentences were only to be executed as suggested above.

#### Indian Military Offenders

In reply to a question by the Prime Minister as to whether the Commander-in-Chief had made definite recommendations in favour of the proposed lenient treatment of military offenders, THE SECRETARY OF STATE FOR INDIA said that he understood that before putting forward the proposals summarised in I.B. (45) 16, the Viceroy had consulted with the Commander-in-Chief.

Discussion then turned on the question whether the Commander-in-Chief should be asked for an explicit statement of his views. The following points were made:—

- (1) THE SECRETARY OF STATE FOR INDIA considered that the fact that the Viceroy had consulted with the Commander-in-Chief should be regarded as sufficient evidence of the views of the Commander-in-Chief. Furthermore he understood that General Swayne in expressing concurrence with the Viceroy's proposals, was doing so on behalf of the Commander-in-Chief. He (the Secretary of State) understood that the principle of leniency had already been accepted and the Viceroy's proposals had been worked out on this basis.
- (2) It was suggested that in determining the issue of clemency in regard to military offenders, account should be taken not only of the immediate effect on loyal members of the Indian forces, but also of the more remote consequences on the loyalty of the Indian Army to the Government of India after India became self-governing. It was argued that an army, whose attitude was coloured by the feeling that disloyalty would not be visited with severe penalties, might the more readily lend itself to action subversive of the Government. Moreover although a great flany of the offenders might well have been influenced by the same kind of political motive as had inspired e.g., the Indonesian Independence Movement, on the other hand it was a serious matter when a commissioned officer, whatever his motives, broke his outh of loyalty. To condone such action now might have incalculable consequences for independent Indian Governments in the future. For these reasons it was desirable that in determining whether our policy should be one of clemency or otherwise, we should be guided by a specific appreciation from the Commander-in-Chief.
- (3) There was general agreement that the main issue was as to the cases in which the death penalty should be imposed and executed. The general feeling of



the Committee was that a logical distinction could be drawn between those who had been instrumental in causing the death or ill-treatment of British or Allied subjects and those guilty of lesser offences, and that the death penalty could be justified in the case of the former.

(4) THE SECRETARY OF STATE FOR THE COLONIES said that whatever was decided with regard to India and Burma, similar action would have to be taken with regard to Malaya. Only a small number of persons were

affected in Malaya, but full details were not yet available.

Treatment of Indian Civilian Renegades

The Committee turned to a consideration of the principles which should govern the trial and punishment of Indian civilian offenders. The following were the principal points raised in discussion:—

(1) It was generally agreed that the only civilian renegade of importance was Subhas Chandra Bose.

(2) On the question whether Indian renegades rounded up outside India should be brought to India for trial, it was pointed out that it was part of the general arrangements for dealing with War Criminals that they should be taken back for trial to their own country. It was suggested, on the other hand, that consideration might be given to the possibility of civilian offenders being brought before Army Court Martials in non-Indian territories, following the procedure adopted in Europe.

(3) It was agreed that a clear distinction should be drawn between civilian offenders and nulitary offenders, particularly so far as persons of lesser importance were concerned. If greater leniency were to be shown to civilians than to soldiers, it would emphasise the fact that it was no part of our policy to punish unduly genuine adherents of the cause of Indian

national independence.

Treatment of Burmese Civilian Renegades

It was suggested that no action should be taken in the case of offenders of minor importance. The principal offender, Ba Maw, could best be dealt with if the Governor, by executive action, were to deprive him of his political rights. Similar action might be taken in the case of U Saw, and if it were taken there would be no objection to his return to Burma.

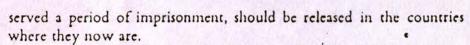
There was general agreement with this suggestion.

Conclusions

The conclusions of the Committee were as follows:-

Indian Civilian Renegades

(i) It was agreed to accept the view of the Government of India that offenders rounded up in Europe should not be repatriated but, having



(ii) As regards civilian offenders rounded up in South East Asia as elsewhere, the Secretary of State for India was invited to consider whether it would not be appropriate to try them on the spot by Military Court Martial on the lines followed in Western Europe.

#### Indian Military Offenders

- (iii) The Secretary of State for India was invited to obtain an appreciation from the Commander-in-Chief, of-
  - (a) the immediate effect of the proposals contained in I.B. (45) 16, Annexure I on the Indian Army;
  - (b) the more remote consequences of these proposals on the Indian Army of the future in its relationship to the Government of a self-governing India.

#### Burma Civilian Renegades

(iv) It was agreed that no action should be taken except in the case of Ba Maw and U Saw. The Secretary of State for India was invited to consider, in consultation with the Governor of Burma, the suggestion that the most appropriate course of action would be to deprive them, by executive action of the Governor, of their political rights.

#### Minute 2

#### L/P&S/13/1827: f 382

#### OBLIGATIONS TO THE INDIAN PRINCES

The Committee had before them I.B. (45) 14, Memorandum by the Secretary of State for India.<sup>2</sup>

THE SECRETARY OF STATE FOR INDIA explained that the paper dealt with the questions whether and in what way effect might be given to the suggestion made by the Viceroy in discussion with the Committee that a frank statement should be made to the Princes of the manner in which His Majesty's Government would feel bound to interpret their treaty obligations to the Indian States in the altered circumstances of a new Indian constitution. The paper indicated in outline the kind of statement which the Viceroy might make after the elections and the nature of the discussion which he should hold beforehand with the more important Rulers and Dewans.

THE PRESIDENT OF THE BOARD OF TRADE thought that the Committee should see the draft of any statement which the Viceroy would propose to make to the Princes in the suggested discussions. It would be necessary to consider

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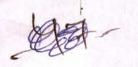
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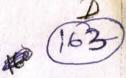
I enclose a copy of Gandhiji's letter, as desired by you. But please don't think that he is not with us. I have been with him since my release from prison and he put the constructive Programme before the country which was overlooked by the working Committee when they decided on constitutional methods.

Since the release of his colleagues of the Working Committee he has gone with them because they were not prepared to go with him but Gandhiji is essentially a man of action and when the time comes, he will take the country with him.

The Socialists are merely implimenting the constructive programme in the light of present circumstances, We must go to the people and forge mass sanctions. The people want to know the shape of things to come. Grouping of the provinces or the question of sovereignty does not touch them, they want a plan. Let our leaders go to the Govt. sponsored Constituent Assembly and we remain with the people to share their joys and sorrows. When the time comes we shall be one.

The Socialists do not want violence any more than does Gandhiji but what is practiced non-violence, we say nonkilling. We have to put non-violence in to practice and not just go talking of truth of non-violence. People want deals and not words. For twenty years we have talked on the ideal Govt. and the practical stage for us today is Panchayat Raj. Our people are very patient but even their patience is wearing thin. All Congress and the nationist minded people are one but our headache is the Indo-Anglo-Russians. The foreign Govt. has built them up to fight the Congress and will have to deal with them now. They are going underground and if before the time the Allies (excluding Russia), have a scrap with Soviet Russia, India is not satisfied





with the results of the Constituent Assembly. She will go over entirely and absolutely to the enemies of the Allies. The Indian army (not the Indian National Army) is no longer of the same temper as it was in the first world war. Besides the disaffection amongst the Indian officers and the rank and file, a revolutionary group has been working amongst them and they are pro-Russian. There have been many cases a court martial in the Indian army on individuals and platoons during the last war both in India and abroad. There have been mass desertions in the regular army and minor reaps in the N.W.F. Province at the beginning of the last war.

At heart the Indian army is sympathetic with the Indian National Army. (It Bose comes with the help of Russia neither Gandhiji nor the Congress will be able to reason with the country.) Also Russia for propaganda purposes declares itself an Asiatic country then there is no hope of any European alliance acceptable to India. Freedom for India under the aegis of Soviet Russia is no freedom for us: but it for rests with England to play fair by the people of India or be declared by us for ever as the enemy of India and of the Asiatics. There are other groups in north India pro-Russian, but after Russia joined the Allies they lost caster. However the bitterness towards the English is so great that Russia will again come into favour on the event of any disagreement amongst the Allies.

Gandhiji is not touched with the international reactions but we can't afford to neglect the signs of the time specially when it concerns our freedom.

Yours, Khurshed

ANNEXURE-E

## The list of documents/Records/files as described in paragraph 21 of the writ petition amongst other documents.

War records of the U.K. Government Relating to Subhas Chandra Bose and I.N.A. including the following documents:

- i) Report of C.S.D.I.C. signed by Capt. Biren Chakraborty on or 30/31st December, 1945 and counter signed by Col. Stevenson:
- ii) Report of Figges., submitted to the Government of India on October 8,1945 and Report of Intelligence Bureau, New Delhi, dated May 19,1946 (No. C-5)
- Documents on Netaji Categorised as "Top Secret" are in the possession of the U; K; National Archives, which will be published after 125 yrs. from the date of Transfer of Power.
  - iv) Diary of Lord Mountbatten;
    - V) Anglo-American Intelligence Report;
- Vi) Communication between Mac. Aurther and Lord Mountbatten relating to Subhas Chandra Bose;
- Vii ) H. Q. Main File 273 Misc. I. N. A. 10 Misc.;
- Viii) File No. 249-INA-I and II(H)G.H.Q. case on Subhas Chandra Bose
- ix) Secret No. 63/2/10 G. S. I(b) H.Q. SACSEA COMMISSION No. 1, Saigon, 18th October, 1945;
- Report of SACSEA COM-ISSION 1, relating to Subhas Chandra
  Bose and I.N.A.;
- xi ) Allied Secret Report Sub: Subhas Chandra Bose and INA;
- xii ) Report of SEATIC SECTION Intelligence Assault Unit. 7th
  IND DIV ALF SIAM with all the SEATIC DOCUMENTS 128;
  - xiii) Records of Tokyo Tritt Trial (War Criminals);



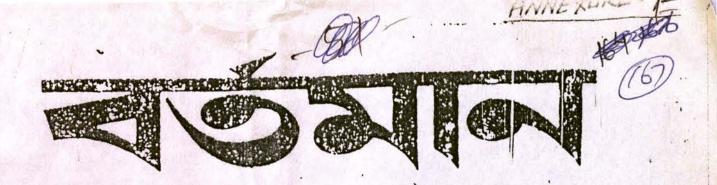
- b) War Records of U.S.A. relating to Subhas Chandra Bose and I.N.A. including the following documents:
- 1) U.S. Naval Intelligence Report relating to Netajils activities from 17th August to 25th August;
- ii) Communication from Gneral Mac. Aurther to the U.S.A. President, Truman between August 17 to August 31, 1945 regarding Subhas Chandra Bose;
- 111) Allied Intelligence Report on Subhas Chandra Bose and I.N.A.
  - iv) Record of Tokyo Trial (War Criminals);
  - v) Communication between Mac. Aurther and Mountbatten during the period of August 17 and August 31,1945 delating to Subhas Chandra Rose.
  - c) War records of U.S.S.R. in connectionx with Subhas Chandra
    Bose and I.N.A.
  - d) War records of Japan from 1944 to August 31,1945 in relation with Metaji Subhas Chandra Bose and I.N.A.
  - e) War records of Germany (both East & West) from 1941 to 1943 relating to Netaji Subhas Chandra Bose and I.N.A.
  - f) War records of China with special reference, presence and activities of Subhas Chandra Bose and I.N.A. personnels at Shanghai, Unan and Sinkiang during July and August, 1945.
  - g) Prime Minister's Secretariat File during the period of Pandit "ehru including the following Secret Files:





1A, 2-A, 3-A, 6-A, 8-A, 16-A (U.O. Note No. D/S-866, dated August 24, 1953, from P.M's Secretariat to Mohd. Yunus, MEA (SEA. B BR), 17-A (U.O. Note No. D. 3788-8EA/53, dated August 27, 1953, 2 from Mohd. Yunus US. ME A (SEA) to P. M's Secretariat, 27-A (Memo No. 2/53/1971/3/601 (151) dated October 13,1953 from Mohd. Yunus. MEA (SEA) to P.M's Secretariat ), 33-B (letter No. 20/62 (Accts) dated April 82,1954, from the Joint Secretary, INA(Enquiry and Relief Committee, 82, Daryagani, Delhi to the President), 34A (Rajya Sabha's Starred Question No. 560 dated September 28,1954) 35-B (Note for supplimentaries), 37-A, (Lok Sabha starred Question No. 334 dated August 2,1955), 37-BCD (Enclosures to S. No. 37-A). And Notes 11,12,13,14,15,18,19,23,24,25,26 and 29,File No. 23 (156)/51-P.M. (Indian National Army (INA) in the Far East) 23(II)/56-57PM (INA Treasure), 12 (226)/56 PM (Investigation into the circumstances leading to the death of Subhas Chandra Bose )

- h) Hastory of INA (by Late Dr. Pratul Chandra Gupta)lies with the Defence Department since long.
- 1) Pandit Nehru's letter to Mr. Attlee, Prime Minister of the United Kingdom during 1945 to 1947, relating to Subhas Chandra Bose.
- j) Communication between Louis Fischer and Gandhiji, Louis Fisher and Khurshed Naoroji, Louis Fischer and President of U.S.A and also top political Leaders of U.S.A, Louis Fischer and the Prime Minister of U.K. and other top Political Leaders of U.K. in relation to Netaji and India's independence.
- k) "Top Secret" documents relating to Subhas Chandra Bose are in the possession of the USSR National Archives.



THE THE PARTY OF CHICOGRA DEPORT SO ALE DONNESS OF THE PARTY OF THE PA রেনকোজি মূদ্দির ভশ্মীভূত coffes, a cacova (fo fa a) ; 40 विकासी प्रतिप्रकृतिक आनातन्त्र कृतव वक्षत्वा नुकासा वेकिवासिक द्वनद्वस्त्रीय त्यान प्रतिकृति भूत्रात्र प्रचानक स्टारहर्। भूति स्टिश्न गुट्टा-प्रहे प्रचा हानात्म ह्या । गुलित्सक प्रथम स्टब्स कानात्म ह्या ।

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### English Translation of the News

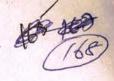
BARTAMAN CALCUTTA SEPTEMBER 5, 1989

RENKOJI TEMPLE BURNT TO ASHES

TOKYO, 4. September (D.P.A.) :

According to information received from Police sources to day, a devastating fire breaking out at day-break has completely destroyed Japan's historic three hundred and forty five years old Renkoji, Suddist Temple. No one is reported to have injured in this mishap. Information received that the fire broke out at dawn of the day.

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ANNIVURE - GE

Mr. A.J. Bhattacharjee

Advocate
HIGH COURT, CALCUTTA
Bar Association Room No. 2
Phones: 2485579/3190/3169
Residence:

#### degd. With A/U

4-9-1998

To, Sri Mulayam Singh Yadav Union Minister of Defence South Block, Central Secretariate, New Delhi-110001

Bri Indrajit Gupta
Union Minister of Home Affairs,
North Block, Central Secretariate,
New Delhi-110001

Sri S.d. Bommai Union Minister of Human Resources and Development, Sri Aurobinda Marg, New Delhi -110016

The Secretary,
Ministry of External Affairs,
South Block, Central Secretariate
New Delhi -110001

Dear Sir,

I understand from several news paper publication in Calcutta on 27th August, 1997 that according to news paper report you are going to bring the alleged ashes said to be of Netaji Subhas Chandra Bose from denkoji temple, Japan.

Please acknowledge the receipt of this letter and inform me whether the news paper report is correct or not within 7 days from the date of receipt of this letter failing which it shall be presumed that the News paper report is correct, since you have not contradicted the said report till date.

Thanks.

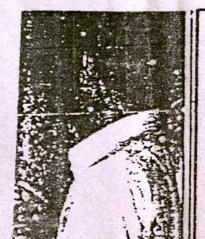
Yours faithfully,

AUVOCATE

ভাৰতে স্বাধিক প্ৰচাৰিত প্ৰথম ১

১১ ভার ১৪০৪ ঝুবার ২৭ অণ্যত ১৯১৭ শহর সংখ্যের ২.৫০ টাকা





काक किलाकीय जनकिति ३५ שישי ישובושל צפונים ייים किंद्र कमाद देशानी दान तर्जेर मक्ता । प्राप्त प्रतिस्थान्ती प्राप्त नित्य राज्य सम्हान, कनान्य . (क्यूटार्क क्लिए (नर्गाक्ट रेडाइक बाबा दण्ड । ना विश्वित दम्म औ הות ו בנס לפום שהנשוהה בנונ जान्द्रा नर्राष्ट्री नर भट्टन नरु क्या काव । " खाळाव दिन्न (वीक मरकाय (व र्मापात्र एक व्या शहरता प्रमुख्य दिकाकांड दिन वास बस्के व्याक्षारम श्राद्य (तक्ति अस्तर्गाम तिकः द्वी क्षा कर (बर्बाईरका शहर सून (क कुमावन । त्यदे क्यांक्रात्स्य नव त्यशिकत क्रिकेट (क्वाट्स ह्याट्स क्र. मार्वाविक्ष्व कामान मृत्यब्ध । (बापदिक स्माप्त शक्ति हिल्ला। खाडाई बलन क्रि दो निवडान निरंड क्रमान कर परन निक्षं इत्। क्ष्मत वाद्या वाद्या धीम नियान कराज ता. जन्मीन एरेड स्त्रदान । जीन शुरुष्का, विन्तु की करत । ক্ষত বিধানে তো পালত কর বার না।

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ं इर माण कटांक्ट रेशक्ट (मान লিবিয়ে অন্যত্র উলেন্টা হার্যেল নালিডে totto Gr. ith maniet

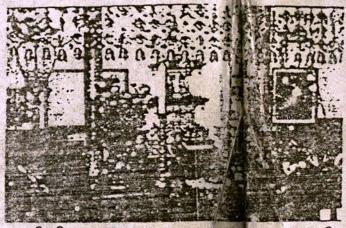
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PERCE STEE CALL CALL दर त्नर्राकाक प्रकासकर कारारा: उनिरुट इरिट क्लब जिल्ला उरास्त क्ट : काराव (आवर्गामा अक हार रा ल्डिकर दृद्ध राज श्रदिक्टि जा. कांड डाड़ीही बस्त्रमें कावहर कारण मार्यास्त्रं माध्य मिरव ध्या । विकास (नन नर्दत्र आनम्बर्ट क्या । नक्टि मुख्य तमारे जा में त्या में स्थान रह त्रप्र मिन्न कर्न कार्य मका स्व :: (नटाकि प्राप्त निर्देशका: ग्रह्मा: टॉर**क** THE PROPERTY OF THE PARTY OF THE

এইনৰ অভিভাগে সম্বেধ মকলাৰ নগুন क्ट्र ८ व्यामी अस्त : सामार् 'अध्याक्त '(स्टानिक स्ति स्वा करा मुक्ति क विकास ने अब अम्बद्धा करना । OND BOTTO WATER WORKER BETTE ध्ये पान करान दरद्वित करिया गाउ The Birth Block



(इन्स्कृष्टि प्रनिट्डेड **अठाउर** ।

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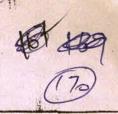
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## ANNEXURE -H.

By Regdi Post

12 Th secember, 1997

To:
The Prime Minister of India
And
Minister-in-Charge, External Affairs
& Commonwealth Relations,
Union of India,
New Delhi - 110 001

Sir,

As responsible and patriotic citizens of India we have right to know the important historical events relating to political, social and economic developments of our motherland. It is equally most sacred duty of every citizen to gather knowledge about the historical personalities who are remansible for moulding the destiny of their motherland. Perhaps in this massime light Shri Subhas Chandra Bose is second to none. It is for Shri Subhas Chandra Bose, British light India after transferring political power to the hands of Indians.

If the entire facts and circumstances of the mysterious disappearance of Netaji Shri Subhas Chandra Bose are revealed, our above mentioned contention would be proved beyond any shadow of doubts. Only the collaboraters of the imperialist, fascist and communal forces may disagree with us.

So, it is considered most important by us as responsible and patriotic citizens of India to know:

(i) Whether the name of Netaji Shri Subhas Chandra Bose was and still is in the list of "WAR CRIMINALS" declared and/or drawn by United Kingdom, United States of America and their allies, including the then British India Government after the Second World War. 800

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- (ii) If his name still exists and if they request the Government of India to hand him over to them, if he is found on Indian soil, for being tried as a "WAR CRIMINAL", whether the Government of India will have the obligation of handing him over to them for the aforesaid purpose;
- (iii) Whether the declaration made by the Allies in regard to "War Criminals" has nothing to do with the Government of India and if so, whether the Government of India would state categorically that the declaration in regard to "War Criminals" does not bind this Government.

It may be mentioned here for your information and convenience that:

- (a) Late Shri Suresh Chandra Bose, elder brother of Netaji Sree Subhas Chandra Bose, as a member of the Netaji Inquiry Committee (1956) in a letter dated 2nd April, 1956, asked the Prime Minister Pandit Jawaharlal Nehru to clarify: "Whether the name of Netaji Subhas Chandra Bose was and still is in the list of War Criminals drawn up by America and her allies". Pandit Nehru conspicuously remained silent over this vital question and Pandit Nehru, in his life time, never answered this question for the reason best known to him.
- (b) Appearing before the Netaji Inquiry Committee (1956), headed by Shahnawaz Khan, Late Mathuramalinga Thevar, Ex-Member of Loksava, asked almost identical question to Shahnawaz Khan. The reply of Shahnawaz Khan was:
  - (i) "The Covernment of India is not in possession of any information (whether Netaji is still a War Criminal). This information lies with the U.K. and U.S.A. The Government (of India) cannot issue categorical statement in regard to this question (whether the Government of India would state categorically that the declaration in regard to War Criminals does not bind this Government)".

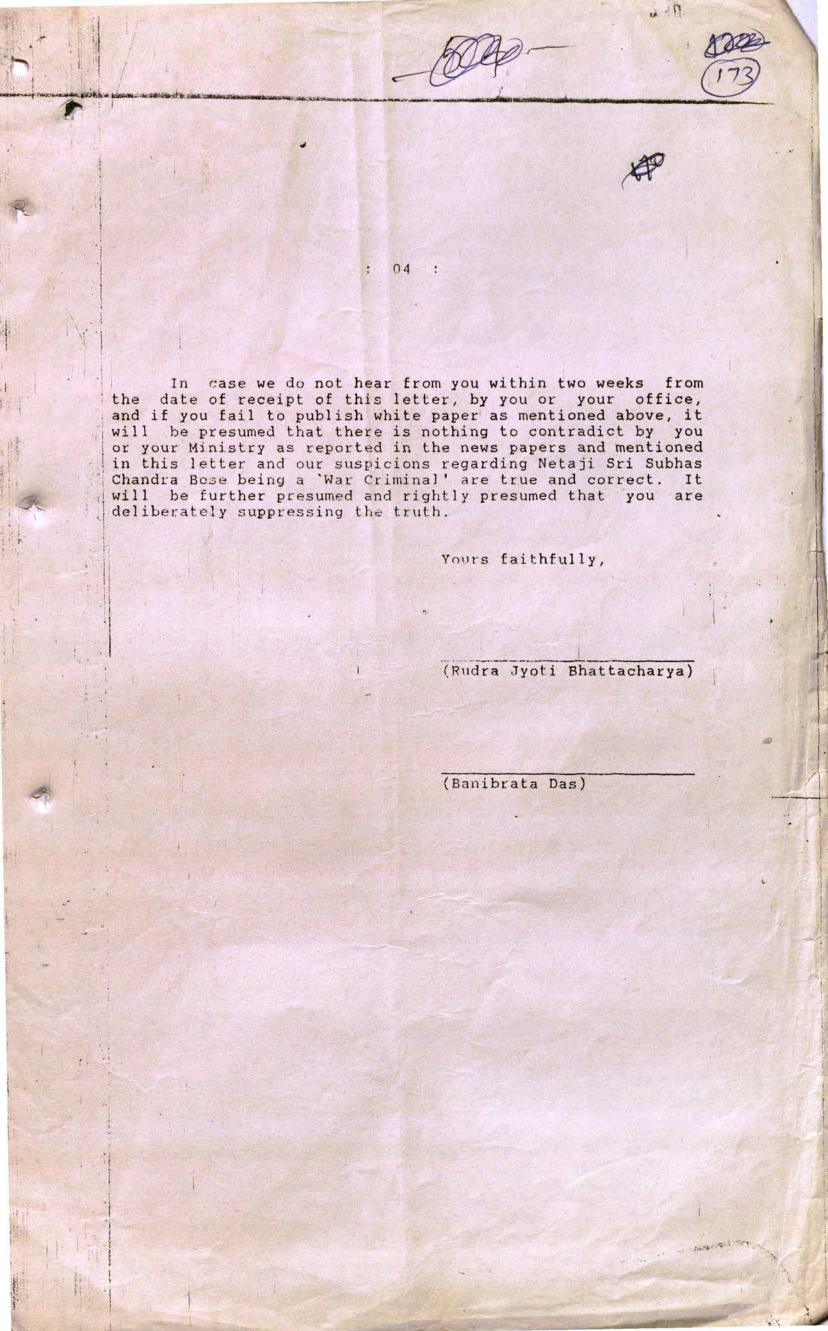
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- (c) In reply to the submission mady be Shri Niharendu Dutta Mazumder, Counsel of Late Shri Suresh Chandra Bose, before Netaji Inquiry Commission (1970), Justice Khosla, Chairman of the Commission, pronounced on 21st January, 1971: "With regard to the statement I made in Delhi that Netaji's name should not go on any WAR CRIM-INALS LISTS, that of course, will be proved in due course and I trust to your satisfaction."
  - (i) In spiite of his pronouncement, twice, in course of Netaji Inquiry Commission's proceedings Justice Khosla did not and/or could not satisfy the counsels and the Citizens of India at large, producing documents which would have proved that Shri Subhas Chandra Bose's name was and/or is not in any way War Criminal's Lists. There is not even a whisper about this in his findings.
- (d) Mr. Surenji Goyal Retired Air Vice-Marshal, Indian Air Force, by and through a letter dated 15th February, 1997 to the Secretary General, United Nations Organisation, seeking his intervention against dubbing Netaji as War Criminal. In reply to the said letter the Executive Office of the Secretary General communicated to Sri Goyal by and through a letter dated 1st May, 1997 that "No United Nations Agency or publication would use the term War Criminal in reference to Netaji in the future.
- (e) The said information was widely published in almost all the leading News Papers in India of which, we hope, the Government of India is well aware of.

  About six months have passed, the Government of India have not yet contradicted the said News.
- (f) We, on behalf of citizens of India, demand a Comprehensive white paper containing all the documents, informations, relating to the Mysterious Disappearance of Netaji Shri Subhas Chandra Bose, since 18th August, 1945.

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#### BY FAX

## NO.VI/11034/18/98-IS(D.III) GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

New Delhi, Dated: 25.6.98

To

Smt. S. Bhattacharyya
Central Govt. Advocate
Deptt. of Legal Affairs
Branch Secretariat
4, K.S. Roy Road
Calcutta-700001.
Fax: 033-2485215 &
033-406191

Subject: WP No. 281 of 1998 Rudra Jyoti Bhattacharjee & Anr. -Vs- Union of India.

Madam,

De Jek

I am directed to refer to your letter No. 11018/62/98-II dated 15.6.98 and to this Ministry's earlier letter of even number dated 12.6.98 and to request you to furnish a copy of the judgement and the details in respect of filing a review petition in respect of the order in the court so as to enable this Ministry to take up view in respect of exact scope for a review application. Keeping in view the urgency and sensitivity of the matter, it will be appreciated if a response in the matter is sent expeditiously

Yours faithfully

SECTION OFFICER

12 Just

D.O. No. VI/11034/67/96-IS(D.

Shashi Prakash

Tel: 301 4979

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the 2nd April, 1997.

Dear Shri Guha,

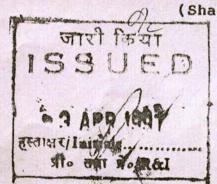
Kindly refer to your letter dated 18th July, 1996 addressed to Prime Minister, regarding conduct of fresh inquiry to resolve the issue of disappreance of Netaji Subash Chandra Bose.

- 2. We have examined the records of the proceedings of the Lok Sabha of August 28, 1978 (copy enclosed), wherein a detailed statement had been made by Ex-Prime Minister Shri Morarji Desai on the subject of conducting a fresh inquiry into the death of Netaji Subhash Chandra Bose. It would be seen that in this statement, Shri Desai had stated that though in view of certain doubts and contradictions in the two inquiry reports, which had gone into the circumstances leading to the death of Netaji Subhash Chandra Bose, their conclusions cannot be accepted as decisive, he nevertheless indicated that the Government felt that no useful purpose would be served by having any further inquiry. A further perusal of the proceedings indicates that on the request of Shri Desai, you had agreed to withdraw the Motion for instituting a fresh Commission of Inquiry.
- 3. The matter has been further considered by the Government in 1991. After careful consideration of all the aspects, it was decided that no useful purpose would be served by holding yet another inquiry into the death of Netaji Subhash Chandra Bose. The stand of the Government in this matter remains the same.

Yours sincerely,

(Shashi Hrakash)

Shri Samar Guna, Ex-MP, 8/2, Central Park, Calcutta- 700 032.



उतर का धमीदा / DRAFT REPLY

(पित्रियों के बीच डोहरा अन्तर छोड़कर पृष्ट के अधि ाग में टाहर की जिए) का TO BE TYPED IN HALF MARGIN DOUBLE SPACE)

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नारों रित अन्यानित प्रश्ने सम्बा ० ३ त

Starred Unstarred Question No.

FIRE OF Sy Shri K.R. MALKAVI, M.P.

वत्र देने की सारीज

To be answered on the \_\_06\_03\_1996\_\_

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(e)(f) \_ inquiries | into - the disappearance/ceath of subhashs

CHANDRA BOSE.

#### ATA OUESTION

590. SHRI K.R.MALKANI : Will the Minister of HOME AFFAIRS be pleased to state:

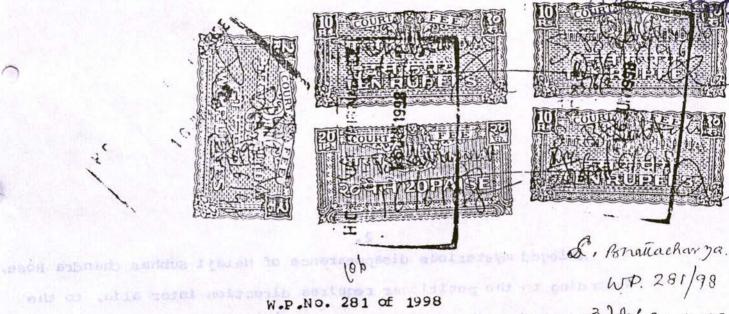
- a) whether Government are aware that the circumstances of the disappearance/death of Subhash Chandra Bose have not been authentically settled to this day;
- b) whether Government would press the Government f UK, USA, Paiwan and Japan c make public the didential findings of the respective inquiries into a subject; and
- sylving to 'secret' file on surjoise containing more more in file works will be rieved and the public?

ent :

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(a),(b) & (c): In view of the fact that the circumstances of disappearance/death Subhash Chandra Netaji have already been looked into by two Commissions of Inquiry earlier, it has been felt by the Government that no useful purpose would be served by teopening the isoue any longer. holding yet another inquiry ,

GOGN DIO (15-2)198 SPEED POST TELEGRAM: LAWCENTRAL No. 11018/62/98-II/ 2433 TELEX: 021-4992-LAW-IN Government of India FAX: 033-2485215 & Smi.S.Bhattacharya 033-405191 Central Govt. Advocate Ministry of Law & Justice Tel. No. 248-6515(Off) Department of Legal Affairs Branch Secretariat 455-C399(Res.) 4, K.S. Roy Road, Calcutta-700 001. 807 981 15 011 Dated, the 26th June, 1998. Section Officer, Ministry of Home Affairs, North Block, New Delhi\_110 001. Subject: W P No. 281 of 1998 Rudra Jyoti Bhattacharjee VS Union of India & Ors. Dear Sir, Enclosed please find herewith certified copy of the judgement dated April 30, 1998 delivered by the Hon'ble Mr. Prabha Shanker Mishra, Chief Justice and the Hen'ble Justice B Bhattacharya for taking necessary action at your end. The time to file review petition is 30 days from the date of the judgement. Yours faithfully, Encl.99 Sys 25/6 (S Bhattacharyya) Cantral Government Advocate gold. II)



In the High Court at Calcutta Constitutional Writ Jurisdiction

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The Hon'ble Mr. prabhas Shanker Mishra, Chief Justice Out to pand and talled or may person to realish the bas of the

The Hon ble Justice B. Bhattacharya

Alexand willbrogor Ambur 30 Just Rudra Jyoti Bhattacharjee & Anr.

Juorgrama Telligile" - Log neithal no barversus i 11 seon embarth as Mic

Tot usoned belila and of mid to Union of India & Ors. gentle dell or empirempo (public Interest litigation matter)

Judgement on : April 30, 1998.

It is difficult for us to pick up the threads to have any well-knot statement of fact from the contents of the instart petition yet, after our several attempts and after hearing the petitioner in person and the learned advocate representing the respondents No.1 to 4, we have been able to gather some bits from here and some bits from there to have some comprehenion of the narration in the petition.

> The Asiatic Society, Calcutta is impleaded as one of the respondents. We do not, however, find any reason why any erogative order and/or direction be issued ormade against the Society. Since, in our view, the Society is not a necessary party, we are not persuaded to issue any notice to it, name of the 5th respondent is accordingly deleted and expurged.

her name of Detail was and

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Alleged mysterious disappearance of Netaji Subhas chandra Bose, according to the petitioner requires direction inter alia, to the respondents herein (1) to classify and disclose all documents relating to Netaji Subhas chandra Bose including the Indian National Army;

(2) to make a categorical statement whether name of Netaji was and still is in the list of war criminals drawn up after the Second World war and issue a press communique to the said effect; (3) not to allow any agency or publisher or any person to publish the story of the death of Netaji Subhas chandra Bose in the alleged plane crash on 18.8.1945;

(4) to disclose the stand of the Government of India regarding Netaji Subhas chandra Bose if he is found on Indian soil - "whether Government of India will welcome him or hand over him to the allied forces for led as war criminal and make a press communique to that effect"

and (5) to produce and or transmit all the records, files and documents

petitioner has stated and in doing so he has only echoed.

and jacoined a multitude of Indians that for his gallant deeds for
in spendence of India, Netaji is recognised as one of the greatest

national leaders of international importance that his mysterious

of a pearance on and from August 1945 is still wreaking and

again ting the minds of the citizens of India and that the story

to a once floated that he died in the alleged plane crash
on to the August, 1945 at Tai Hoku in Japan is not accepted by

the Indians.

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as mentioned in Annexure 'F'to the petition about disappearance of

Net iji subhas chandra Bose since August 18, 1945 and subsequent thereto.



one British Intelligence Officer allegedly informed one Amrik Singh Gill, who was awaiting execution of death sentence, on 19th August, 1945 that Netaji died in an aircrash on 18th August, 1945. Gill published the said information in a magazine of Netaji Centre publication at Kualalampur. The same was reprinted in Jayshree, a Bengali Magazine, in its Azad Hind colden Jubilee number in October, 1993. Delhi Radio on 21st August, 1945 made the announcement that Netaji died in an aircrash on 18th August, 1945 (Ref., "A Springing Tiger" by Hue Toy, a Military Intelligence Officer of British Army) . Quite a few publications and information to the above effect followed and when the controversy thickened and mystery deepend, the Government of India constituted Netaji Enquiry committee in the year 1956 with Sri Shahnwaz: Khan as the president and sri suresh chandra Bose and Sri S.N.Moitra as Members. This was followed by appointment of a commission of inquiry in the year 1970. Netaji Enquiry committee as well as the commission of Enquiry submitted their reports. On 28th August, 1978, however, the then prime Minister of India made a statement at the floor of the Lok Sabha that, "Shah Nawaz Committee and Khosla Commission hold the report of Netaji Subhas Chandra Bose's death following a plane crash as true. Since then reasonable doubts have been cast on the correctness of the two reports and various mportant contradictions in the testimony of the witnesses have been noticed. Some further contemporary official records have also become available. In the light of those doubts and contradictions and those records, Government find it difficult to iccept that the earlier conclusions are decisive. " According to the petitioner, the above statement of the then prime Minister of India was a virtual and simultaneous burial of the Netaji Enquiry committee and Enquiry commission reports. However, on 11th

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April, 1979 the then Minister of State for Home Affairs made a statement on the Lok Sabha in reply to a question that was raised on the request by General Fujiwara of Japan for bringing the alleged ashes of Netaji from Renkoji Temple to India, "In the light of reasonable doubts cast on the correctness of the conclusions reached in two enquiry reports on the death of Netaji subhas chandra Bose, the Government finds it difficult to accept that the earlier conclusions are decisive. It will, therefore, not be possible to take any action at the present on the suggestion of Gen. Fujiwara to bring the ashes." According to the petitioner waxing and waning attitude and behaviour of the Government of India and other responsible persons have almost betrayed the design of precipitating and perpetuating the myth the death of Netaji Subhas Chandra Bose in the alleged plane chash as reality without there being any serious effort to establish by hard and genuine evidence.

The petition with the facts as above, however, is littered with the statement that the then Government of India (Pritish) after the second world war declared Netaji a war c iminal and following the independence and almost simultaneously India's taking a seat/place in the United Nations organisation ratified and agreed that war criminals of friendly untries would be delivered by the country holding them; hus agreeing that India would deliver all war criminals of the second world war to the Government of Great Britain, and since Subhas chandra Bose was declared a war criminal by the Great Britain and India ratified and agreed to do so, it still holds Subhas Chandra Bose as war criminal. The petitioner, in short, in this behalf has been agitating and asking - Does Government of India still hold subhas Changra Bose as a war criminal and thus does it behave the Government to treat subhas shabbily as above, who while alive as well as in death is the embodiment of the ideals and images of a true Indian for all fellow Indians.



We have summarised above the material facts w upon which the petitioner has sought for the reliefs as indicated above and omitted to mention particulars of information in any detail with respect to either statements or works about the death of Netaji as alleged and the mysterious disappearance, or on the Government of India even unwittingly as alleged, still holding that Netaji is a war criminal. Narration of the facts, however, shall remain inconclusive if we do not refer to a recent case (W.P.No. 1805 of 1997) which has been disposed of by a Bench of this court on 7th April, 1998. The said petition was filed as vox populi when newspapers like the Bartaman in its publication of 23rd august, 1997 and the Anandabazar in its publication of 27th August, 1997 published/reported that the then Defence Minister had stated that he would bring the ashes of sri Subhas Chandra Bose from Kenkoji Temple of Japan, After referring to the judgement of the supreme court in Union of India Versus Bijon Ghosh [ 1998 W.B.L.R.(SC) page 9 7 and the publications aforementioned, this court in its judgement in the said case has stated as follows :-

"When the Government of India intended to honour him by conferring the Bharat Ratna Award and used in press communique the expression 'posthumously', a petition under Article 226 of the Constitution of India was moved and against an interlocutory order therein a special Leave petition was preferred before the Supreme Court \*\*\*\*\*\*\* We have no manner of doubt that a responsible Government of the people of India will do nothing which would undermine the stature and image of Netaji Subhas Chandra Bose. Except in such proceedings in which any legal presumption is available, for purposes as the acceptance of ashes as that of Netaji Subhas Chandra Bose,



it is not possible to accept that he died on 18.8.1945 or at any time thereafter unless thereis conclusive evidence. Any ashes of a dead person in the absence of such evidencecannot be accepted as that of Netaji by the people of India. It would be difficult to accept that the pefence Minister of the country has made a statement of such consequences without verification of the facts, yet responsible newspapers like Bartamann Ananda Bazar have so reported and the petitioner has moved this court as he is, as stated, alarmed that the Government of India has intended to accept the factum of the death of Subhas chandra Bose in the shape of ashes which are allegedly stacked and kept at Renkoji Temple, Japan: Before closing the proceedings, however, in view of the assurances that nothing of the sort is likely to be done by the Government of India, we are inclined to order that beforeaccepting the ashes which are allegedly kept at the Kenkoji Temple, Japan as that of Netaji Subhas chandra Bose, the Government of India shall obtain obtains full particulars and evidence and satisfy itself about the genuineness of the claim that the ashes kept at the Renkoji Temple of Japan mo are that of Netaji Subhas Chandra Bose and take the people of India

Thus, on the questions of death of Netaji, that he died in the plane crash, that his ashes arekept at Renkoji Temple of Japan, that Government of India is almost accepting that Netaji has aim died and that his ashes are being brought to India, in our view, are fully answeredd by the judgementin W.P.No.1805 of 1997 dated 7th April, 1998. That needs, however, to be clarified for all concerned (to bear in mind that Government of India did realise that full facts and evidence were required

in confidence."

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to be gathered from every person and place and it appointed

first the Enquiry Committee and next Enquiry Commission. After
the reports of the Committee and the Commission were submitted,
the then prime Minister made categorical statement in the Lok
3abha that since the reports, reasonable doubts havebeen cast
on their correctness, various important contradictions are
noticed in the testimony of the witnesses and further contemporary official documentary reports have become available, win
the light of those doubts and contradictions and those records,
Government find it difficult to accept that the earlier conclusions are decisive."

official stand of the Government as expressed in the Lok sabha on 28-8-1978 is reiterated on 11-4-1979 by the then Minister for State of Home Affairs. Two deviations/aberrations, however, occured first when Government of India intended to honour Sri subhas chandra Bose by conferring 'Bharat Ratna' Award and used in the press Communique the expression posthumously and secondly recount by Defence Minister of the country made a statement that Government of India intended to accept the factum of Government of Subhas Chandra Bose and bring the ashes which are stacked and kept at Renkoji Temple in Japan.

but with Dominion Status in the British Empire on 15th of August, 1947. The people of India, however, resolved to constitute it into a Republic and their constituent Assembly on 26th day of November 1949 adopted, enacted and gave to the people the Constitution of India, to be effective on and from 26th of January 1950. on 15th of August 1947, India, indeed, achieved Independence and inherited the British sovereignty as well as British legacy. Then the people, however, adopted the Constitution and established the Republic, India unsackled itself from the yoke of



past to start afresh with the goal of justice, Social, Economic and political, Liberty of thought, expression belief, faith and worship, Equality of status and of opportunity and to promote among them all Fraternity assuring the dignity of the individual and the unity and integrity of the Nation and guaranteed Equality of law and equality before law to all persons and freedoms of speech and expression, assembly peaceably and without arms, of association or Union and of movement freely throughout the territory of India and to reside and settle at any part of the territory of India. Article 13 of the Constitution declared laws inconsistent with or in derrogation of the Fundamental Rights in part-III of the Constitution void and inhibited the State from making any law which took away or abridged the rights conferred by part III.

The status Netaji Subhas enjoys in the Indian Republic is that of a person who is a Bharat Ratna. He enjoys a greater status in the hearts and minds of the people of India than a mere title which the Government bound by the rules of procedure intended to confer upon him. The expression 'posthumously' in the communique of the Government of India when Bharat Ratna was to be conferred indeed was a sad and irresponsible act at some executive level of the Government which caused wide-spread resentment and as noticed by the Supreme court in Union of India v. Bijon Ghosh (supra), "in deference to the feelings so eloquently expressed in this proceedings and which have no doubt conveyed to the Union of India, the award was in fact not conferred and the proposal was dropped. " Another aberrative act caused the filing of W.P.No. 1805 of 1997 and this court has ordered, "before closing the proceedings, however, inview of the assurance that nothing of the sort is likely to be done by the Government of India we areinclined to order that before



Temple at Japan as that of Netaji subhas chandra Bose, the Government of India shall obtain full particulars and evidence and satisfy itself about the genuineness of the claim that the ashes kept at Renkoji temple of Japan are that of Netaji subhas chandra Bose and take the people of India in confidence.

The two aberrations are outside the Lok Sabha, True, one which carried the express 'posthumously' was a communique of the Government of India which is deference to the popular feeling was withdrawn but the other, that is to say, thestatement of the Lefence Minister in respect of the ashes of Netaji was neither a statement in any of the Houses of parliament nor in any Communique of the Government of India. That was out and out a statement most unwittingly made by the Defence Minister of the country. The Official stand of the Government of India, thus, is that notwithstanding the reports of the Enquiry committee and the commission of Enquiry aforementioned, there are doubts as to the death of Netaji in the manner as reports indicated and that there was/is a need to have further probe and enquiry to conclusively establish that Netaji has died, that he died in the plane crash, as alleged, and that his ashes are lying in some temple in Japan. With such specific stand when the Government has informed the parliament more than once as above and no further enquiry or probe has yet been held, it is beyond imiagination that Government of India without further or fresh enquiry and/or probe would accept the factum of death of Netaji Subhas and/or of the alleged air-crash death and/or the ashes being kept at a temple in Japan.

Learned Counsel for the respondents has categorically assured the Court that the Government of India has been maintained and is maintaining even now that a further/fresh enquiry/ probe is required and the information that Netaji died in the

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plane crash on August 18, 1945 is full of loopholes, contadictions and therefore inconclusive.

It is difficult to perceive why the petitioner has been harping on Netaji being a war criminal for the Indian Republic and its people as declared by the British Government in year 1945 or in year 1946. True people of India fought along with the British against Japan, German and Italy but they continued their way of Independence against them until they quit India on 15th of August 1947. For British, one who stood against their oppressive acts was a criminal. For Indians, he was a freedom fighter. For British, who supported their was efforts friends and allies. For India all who stood against aggression and subjugation were friends.

Netaji Suchas Chandra Bose had launched his own war for Independence of India, formed Indian National Army (I.N.A.) marched ahead to free the people of India from subjugation and reached Indian territory of the Andaman and Kohima, Manipur. His was an army of Indians, for the Indians and for the Independence of India. Such a hero however when India achieved its independence was mysteriously missing. It (India) has been waiting to welcome its Hero. He has, however, not been found yet.

people in India are not going, it is clear from the aforementioned events, to accept that their hero who led the first National Army is dead unless they are convinced after seeing conclusive evidence in this regard. Who then will call Netaji a war criminal ? Any Indian public except a traitor, a person who does not have the defence and love for the country and its heros alone can do so. We do not have any hesitation

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in concluding that the statements in documents which are lying archives which are to the effect that Netaji is a war criminal and all persons who have been saying such a thing are relies of the British Raj. The petitioner shall be well advised to disabuse himself of even remotest/faintest idea that the people of India, and the Government of India since it is the Government of the people of India, can ever in creams would think of Netaji as a war criminal or a traitor. As we understand same and understanding people in Great Britain too take him as one of the ablest sons of India and one of the most loved by the people of India. We see thus no reason in why any Rule be issued to de-classify and disclose all documents relating to Netaji Subhas chandra Bose including Indian National Army untill such inquiry as is derived is held. De-classification and disclosure of the contents of sensitive documents cannot be insisted upon unless one is satisfied that such disclosure would not be against the interest of the sovereignty and integrity of India, the Security of the States, friendly relations with foreign states, public order, decency or morality or in relation to contempt of court or defamation or would not cause incitement to an offence (see article 19 of the constitution) and if made would not harm the public interest. In the instant case we have reasons to believe, any such disclosure would not held the cause of the public at all.

We see absolutely no reason for any statement from the respondents whether Netaji Subhas Chandra Bose is still in the list of war criminals drawn after the second world war. As we have indicated above, no one much less people of India, would allow any person to treat Netaji as a war criminal. For, Indians netaji is one of the great patriots.

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It is difficult similarly to imagine how any Indian w would think that Netaji would not be welcome on the Indian soil when Indians hold him amongst the best a few sons of India. The petitioner, as we have observed earlier, has been ill-advised to seek any disclosure from the Government of India or such information whether Government of India would welcome him or hand him over to the Allied Forces for trial as war criminal. Such misconceived ideas, in stead of helping the cause, as we have observed above, would cause dissensions and resentments and unnecessary bickerings. We are inclined however to take notice of one aspect of the matter; There has been no positive attempt it seems after the statement by the prime Minister in the year 1978 and by the Minister of State for Home Affairs in 1979 that the findings in the reports of Netaji Enquiry committee and commission of Enquiry were not conclusive and decisive for any further or fresh enquiry and no serious effort in this behalf has been made. It seems lapses have occured from time to and public at large is dissatisfied. It is, therefore, necessary that respondents are told that their silence may not be appreciated in the matter and they for obvious reasons, as indicated above, should proceed in some effective manner to enquire into the circumstances of the death, whether Netaji has died and if he is alive where is he, with due despatch. Various publications some saying Netaji has died some saying - No, he has not, some accepting the plane crash story, some not accepting it, some suggesting that the ashes in the temple in Japan are that of Netaji and others not accepting, somebelieving, and seriously, that Netaji is still alive and is available in some part of the world cause confusion and sometimes irritation and anger in public. No publication which would affect the friendly relations with foreign States, public order, the sovereignty and integrity of India, cause defamation or incitement to an offence should be

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permitted. We have reasons to think that such irresponsible publications do sometimes affect public order and cause incitement to violence.

Same publications in respect of which mention is made by the petitioners which are per se defamatory to the National Hero Subhas chandra Bose. One of the most charished rights of the Indians is the freedom of speech and expression, yet it is important that this right is not exercised to disturb public order or cause incitement to offence or defamation. We have not, however seen such publications as a whole except such excerpts which are quoted by the petitioner for forming any conclusive opinion that books already published need to be prescribed. Yet we aresatisfied that there is a need to give a fresh look to such publications and prescribe such books or such portion of the books which spent one way or the other on the subject of the death of Netaji Subhas chandra Bose's preindependent activities in respect of which the Government of India is yet to complete enquiry. All fresh or new publications, in our view, shall also need a similar scrutiny and all such scrutiny shall be made keeping in view Article 19(1)(a) read with article 19(2) of the constitution of India and the observations made above.

For the reasons aforementioned, we are inclined to direct as follows:-

- (1) Respondents shall launch a vigorous enquiry x in accordance with law by appointing, if necessary, a Commission of Enquiry as a special case for the purpose of Jiving an end to the controversy

  (a) whether Netaji Subhas chandra Bose is dead or alive;
  - (b) if he is dead whether he died in the plane crash, as alleged;



- ashes of Netaji;
  - (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.
  - (2) The respondents shall follow for the said purpose the directions of this court given in w.p.No.1805 of 1997 namely, to take the people of India in confidence;
    - (3) Respondents shall at appropriate level examine/
      scrutinise all publications pertaining to the matter
      as above and prescribe, if necessary, all such
      publications which appear to touch the question
      of death or otherwise of Netaji if the same has
      the effect of disturbing the public order and causing
      incitement of violence;
      - (4) Respondents, if so advised, shall inform all publication Houses to take its prior permission before any publication on the subject above is made and before granting such permission scrutinise in the manner as indicated above.

This disposes of the writ per application.

All parties are to act on a signed xerox copy of this judgement and order on the usual undertaking.

sd/- prabha Shanker Mishra

#### B. Bhattacharya, J.:

I agree.

sd/- B. Bhattacharya

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W.P.No.281 of 1998

In the High Court at Calcutta

Constitutional Writ Jurisdiction

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Enporte Department State 18.

Rudra Jyoti Bhattacharjee & Anr. vs.

Union of India & Ors.

(public Interest litigation matter)

Date of Judgement : April 30, 1998.

Judgement delivered by the Hon ble Mr.

prabha Shanker Mishra, Chief Justice
and the Hon ble Justice B. Bhattacharjee

Filed this 16th day of June, 1998.

Registrar.

5. Colottely

3619/ JSCS) 98 5695/03(157) 18 - 1311/HS/98 

In continuation of this office endorsement No.915/11/C/6/98-Pol. dated 26.5.1998 a copy of the letter dated 7.4.1998 Samar Guha, former M P., regarding inquiry into from Prof death of Netaji Subhash Chandra Bose is enclosed for action as appropriate.

> (Chhatar Singh) Director

Home Secretary

PMO U O. No. 915/11/C/6/96-Pol. dated: 27.8 1998

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Placed in file Number - 18 VI (11034 18 Difts-1)

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Prof Samar Suha

FG...er
MEMBER OF PARLIAMENT
Chairman
Privilege Committee
( Lok Sabha )



8/2, CENTRAL PARK CALGUTTA-700 032

7 April 1998

My dear Vajpayeeji,

It seems you are too busy otherwise to attend personal letters to you. I am surprised that my letter regarding Netaji-inquiry addressed to you on 12.4.98 sent by Speed Post still remained unacknowledged.

You patriotically pledged yourself to make a final inquiry to know what really happened to Netaji - both in the Parliament and to the people outside. It is the befitting time to undertake inquiry about Netaji-mystery under your Prime Ministership. People of our country will hail you from the core of their hearts for fulfilling this unfulfilled patriotic task of the nation.

With best regards and namaskar,

Shri A.B.Vajpayee Prime Minister of India South Bloc New Delhi 110011 Yours sincerely,

Samarlynha

( SAMAR GUHA )

DEBABRATA BISWAS

MEMBER OF PARLIAMENT (RAJYA SABHA)

BUSTING CRC (88

Phone: 3714131
31 8 28, Gurudwara Rakab Ganj Road,
New Delhi-110 001

HEMANT BASU BHAWAN 49-C. Chittaranjan Avenue, CALCUTTA-700 012 Ph.: 272065, 273956

Date 10-8-1998

To

Shri L.K. Advani,
Hon'ble Minister of Home Affairs,
Govt. of India,
North Block,
New Delhi.

AUG 1998

2P28/22(12-D)22

31/8

Respected Advanijee,

You know that the gratest enigma relating to the alleged death of Netaji Subhas Ch. Bose on the 18th August 1945 is still unresolved. Govt. of officially announced its inability to accept the findings of both the Enquiry Committee and Commission of 1956 and 1970 respectively as these were not conclusive beyond doubt. Therefore the entire national particularly in the Netaji's birth centenary year deserve to know what actually happened to this one of the greatest souls of the contemporary world history since that fateful day of disappearance ? But we are sorry to say that despite revealation of enormous informations and documents in recent times about which the Govt. of India is quite aware, did not take any step to unearth the whole truth once for all to do justice to the nation as well as to Netaji Subhas Ch. Bose and hundreds of thousand I.N.A. soldiers who made supreme sacrifice for the cause of India's independence.

In the context of enormous archival informations and documents we believe that there is a very strong case for instituting a fresh Commission of enquiry headed by a retired Supreme Court Chief Justice, one high ranking personnel and one from the researchers engaged in unravelling the truth behind this riddle of

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Ms. Gairols
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## DEBABRATA BISWAS

MEMBER OF PARLIAMENT (RAJYA SABHA)



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196 Phone: 3714131

28, Gurudwara Rakab Ganj Road, New Delhi-110 001

HEMANT BASU BHAWAN 49-C, Chittaranjan Avenue, CALCUTTA-700 012 Ph.: 272065, 273956

Date	B			*****	100 000
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more than half a century as members of the said commission. Simultaneously we urge upon your goodself to please take positive steps to release all classified documents relating to Netaji Subhash Ch. Bose and I.N.A. for public scrutiny and make formal requests to the Govt. of U.K., Germany, Japan, U.S.A., Russia, Vietnam, China and other Govts. for making available to the Indian govt. whatever information and documents they may possess regarding Netaji Subhash Ch. Bose.

Under this circumstances we demand your firm decision in this respect to unravel the truth once for all.

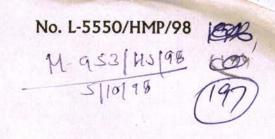
Thanking you,

Sincerely yours,

(DEBABRATA BISWAS)

Gen. Secretary

All India Forward Block
Central Committee.



September 14, 1998

2 8 SEP 1998

Dear Smt. Krishna Bose Ji,

I am in receipt of your letter dated 21st August, 1998 regarding bringing Netaji's ashes to India from Japan.

As suggested by you, I shall take up the matter with INA Officers mentioned in your letter.

With regards,

Yours sincerely,

(L.K. Advani)

Smt. Krishna Bose, Member of Parliament, 90, Sarat Bose Road, Calcutta-700 026.

HS may kindly see for necessary action. A draft reply for HM's consideration is requested please.

SS(18) joir (4)

(Deepak Chopra)
PS to Home Minister

Trishna Bose Member of Parliament (LOK SABHA)



By Speed Fost

90, Sarat Bose Road Calcutta-700 026

Phone: 475-6727 Fax : 91 33 474-8255

21 August 1998

L 5550 | HAP /48)

Shri L.K. Advani Union Minister of Home Affairs North Block New Delhi 110 001

Dear Shri Advani,

My attention has been drawn to newspaper reports to the effect that you have been considering bringing Netaji's ashes to India from Japan.

In 1996 at the instance of the then Prime Minister the then Union Minister of External Affairs visited Netaji's wife, since deceased and daughter Professor Anita Pfaff in Germany and sought their views in the matter. Netaji's wife and daughter agreed with the view that arrangements should be made to bring Netaji's ashes back to India. The other person whom they consulted was my husband Dr. Sisir Kumar Bose not only because he is the seniormost surviving member of the Bose family but also because he has been Director of Netaji Research Bureau for forty years.

In this connection, I would like to suggest that you write to the two seniormost officers of the INA Col.G.S. Dhillon (Dhillon's Den, Dhillon Farms, Hatod, Shivpuri - 473 551, Madhya Pradesh) and Col.Lakshmi Sahgal (15/241 Civil Lines, Kanpur 208 001) and also to Capt.D. Dasan (8/1 Angadi Street, V.P. Colony, Ayanavaram, Chennai - 600 023) one of Netaji's Tokyo cadets who was in Tokyo when Netaji's ashes were brought over from Taipeh to Tokyo and deposited at the Renkoji Temple there ..

With warm personal regards,

Yours sincerely,

Keishna Bose

KRISHNA BOSE

ONE NO. : 91 33 748255 SIFIR & KRISHNA BOSE Aug. 23 1996 05:15PM P01 30, Sarat Boso Calcutta-700 023 Member of Perliament Phone: 475-6717 (LONSABHA) Fax : 91 33 414-8255 2 5 MUG 1998 14256 21 August 1998 Shri L.K. Advani Union Minister of Home Name Block New Delhi 110 001 the effect that you have been concidering bringing that arrangements should be made to bring Nethii's Capt.D. Dasan (8/1 Angadi Street, V.P. Colony, Ayana/aram, Chennal - 600 0231 one of Nataji's Tokyo cadets who was Paireh to Tokyo and deposited at the Renkoji Temple With warm personal regards, PStoHM S. Flats, B.K.S. Marg, New Delhi 110001 \* Phone 371 outs 2k Medb / Werus xilv Jk w. Delau 118001 x xix flags xx 38 mic/k

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### Draft

#### ORDER

The Hon'ble High Court of Calcutta has pronounced a judgement in Writ Petition No.281 of 1998 filed by Shri Rudra Jyoti Bhattacharyya and Another Versus Union of India and Others (public interest litigation matter) on the issue of alleged mysterious disappearance of Netaji Subhas Chandra Bose. The directions of the Hon'ble High Court in the matter to the Government of India are as follows:-

- (1) Respondents shall launch a vigorous enquiry in accordance with law by appointing, if necessary, a Commission of Enquiry as a special case for the purpose of giving an end to the controversy;
  - (a) whether Netaji Subhas Chandra Bose is dead or alive;
  - (b) if he is dead whether he died in the plane crash, as alleged;
  - (c) whether the ashes in the Japanese temple are ashes of Netaji;
  - (d) whether he has died in any other manner at any other place and, if so, when and how;
  - (e) if he is alive, in respect of his whereabouts.
- (2) The respondents shall follow for the said purpose the directions of this Court given in

-: 2 :-

W.P. No.1805 of 1997 namely, to take the people of India in confidence.

- (3) Respondents shall a t appropriate examine/scrutinise all publications pertaining to the matter publications which appear to touch the question of death or otherwise of i f the same Netaji has the effect disturbing the public order and incitement of violence;
- (4) Respondents, if so advised, shall inform all publication Houses to take its prior permission before any publication subject above is made and before granting such permission scrutinise in the manner as indicated above.
- 2. The subject area alongwith its entire back ground has been carefully gone into. The Ministry of Law has also been consulted. Taking into consideration the totality of the circumstances and the directions of the Hon'ble Court, it has been felt that for the purpose of giving an end to this controversy and as a very special case there should now be a serious administrative enquiry in the nature of a fact finding mission which should once again look into all the facts and circumstances relating to the disappearance of Netaji Subhas Chandra Bose in 1945 and the subsequent developments connected therewith and submit its reports to the Central Government.
- The composition of the

  3. This administrative enquiry by a Committee shall be comprise the following:-

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The Committee shall take into consideration the directions of the Hon'ble High Court to come up with definite conclusions in the relevant disputed areas of the matter. The Committee shall formulate its own guidelines to conduct its functioning. The Committee shall be free to call from the records etc the concerned Organisations/Departments of the Government of India or any other quarter. The Committee shall also take into consideration any matter which any member of public or any organisation puts forth establishing any linkage with the alleged disappearance of Netaji Subhas Chandra Bose in 1945.

4. The Committee shall have its Headquarter at an appropriate location in Delhi and it shall be free to visit places inside the country and outside as well in order to reach an objective conclusion concerning the issue. While seeking response from any Agency/Organisation/Government outside the country the Committee's actions/movements shall have to be within the parameters of diplomatic requirements, international Law and Laws and Rules operating in other sovereign States.



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5. The expenditure to be incurred by the Committee while performing its responsibilites shall be borne by the Ministry of Home Affairs. The Committee shall submit its report as early as possible within a period of six months.

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## DRAFT



D.O.NO.VI/11034/18/98-IS(D.III) Ministry of Home Affairs

HOME MINISTER

New Delhi, dated the Sept., 1998

Dear Shri Bhswas,

I have received your letter dated 10.8.98 regarding re-investigation of the disappearance of Netaji Subhash Chandra Bose. The matter is being looked into,

Yours sincerely,

H.M.

Shri Debabrata Biswas, Member of Parliament (Rajya Sabha), 28, Gurudwara Rakab Ganj Road, New Delhi - 110 001.





No. 28/1 /FS/99

विदेश सचिव विदेश मन्त्रालय, नई दिल्ली-११० ०११ FOREIGN SECRETARY MINISTRY OF EXTERNAL AFFAIRS NEW DELHI-110 011

March 6, 1999

Dear

Home Serdary

I am enclosing a copy of the Notice from Shri R.J. Bhattacharjee, Advocate of the High Court of Calcutta addressed to you and with copies endorsed to us, regarding a judgement passed by the Divisional Bench of the High Court of Calcutta on a matter relating to Netaji Subhash Chandra Bose. I presume that Ministry of Home Affairs will be the nodal agency to coordinate a response on this matter. MEA will give inputs if required.

hothe regard

Yours sincerely,

(K. Raghunath)

Shri B.P. Singh, Home Secretary, Ministry of Home Affairs North Block.

Dir (15-1)

Rudra Jyoti Bhattacharjee
B. Sc., D.B.M., M.B.I.M., LL.B.

ADVOCATE

High Court, Calcutta
Bar Association Room No. 2

248-3190 248-5579 248-3169

Resd. with MD

FLORA PARK CO

FLORA PARK, GOALTULI P.O. & Dist. Hooghly Pin-712 103

Ph.: 80-3634

Date1-3-1999

To. Sree Velmiki Presed Singh, Secretary Department of HOME AFFAIRS North Block New Bolbi-110 COL

Sree Ajit Kumar, Secretary Department of Defence, North Block New Delbiello COL

Sree P. M. Desgupts . Secretary Department of Education, Sorth Block New Delhi-110 CO1

Sree K. Asghunath, Secretary Department of External Affairs, South Block Haw Delhi-110 001

No: W.P. No. 251 of 1998;

Audra Jyoti Bhattacharles

Daton of India & Ore.

Deer Sir(s),

A copy of judgement dated 30-4-1998 passed by a Division Bench of High Court Calcutta consisting of the Mon'ble Mr. Prabha Shanker Mishra the Chief Justice and the Hon'ble Mr. Bhaskar Bhattacharjee alongwith a copy of representation was communicated to you under Registered cover and you have duly acknowledged receipt thereof on 7th July, 1998. The directions passed by their Lordships stands to the following effect :-

"For the reasons eforementionel, we are inclined to direct as fo-

- (1) Respondents shall launch a vigorous enquiry in accordance with law by appointing if necessary, a commission of Enquiry as a special case for the purpose of giving an end to the controversy:
- (a) Whether Netaji Subhas Chandra Bose is dead or alive;



# Mr. Rudra Jyoti Bhattacharias

HIGH COURT, CALCUTTA
Bar Association Room No.
Phones: 2485579/3180/3169
Residence:

-2-

- (b) If he is dead whether he died in the plane crash, as alleged;
- (c) Whether the ashes in the Japanese temple are ashes of Netaji;
- (d) Whether he has died in any other manner at any other place and, if so, when and how;
- (a) If he is alive, in respect of his whereabouts .
- (2) The respondents shall follow for the said purpose the directions of this court given in W.P.No.1805 of 1997 namely, to take the people of India in confidence;
- (3) Respondents shall at appropriate level examine/scrutinise all publications pertaining to the matter as above and prescribe, if necessary, all such publications which appear to touch the question of death or otherwise of Netaji if the same has the effect of disturbing the public order and causing incitement of violence;
- (4) Respondents, if so advised, shall inform all publication Houses to take its prior permission before any publication on the subject above is made and before granting such permission scrutinise in the manner as indicated above.

This disposes of the Writ application ".

That you, inspite of receipt of the said directions passed the Hon'ble High Court at Calcutta, have deliberately ignore to form an Enquiry Commission and to scrutinise the publications containing alleged death news in compliance to the said direction even after lapse of six months, which shows your unfair attitude to dishonour the order dated 30-4-1998 passed by the Hon'ble High Court at Calcutta.

The Books amongst many others so centaining alleged death news of Netaji Subhas Chandra Bose are as follows ;-

Contd...



Mr. R. J. Bhattacharjee

Advocate
HIGH COURT, CALCUTTA
Bar Association Room No. 2
Phones: 2485579/3190/3169
Residence:

-2-

i) "Netaji was murdered in Red Fort" (dedicated to Mr. V. P. Singh Prime Minister, as he then was in the year 1990 )

Author : Usha Ranjan Bhattacharjee

Publisher: International Books

Office at : 35, Chittaranjan Avenue, Calcutta-700 012

11) "Modern India" by: Professor Bipan Chandra

(at the subsidy of Government of India)

That your such act and activities to ignore the directions passed by the Division banch of this Hon'ble High Court amount to contumacious, which is unwarranted.

Under the circumstances stated hereinbefore I once again request you to be kind enough to act in compliance to the directions passed by the Division Bench of this Hon'ble Court and to communicate your proposed action to this end within a period of four (4) weeks from the date receipt of this letter failing which it would be presumed that you are deliberately And willfully ignoring and/or violating the order passed by this Hon'ble court and I shall have no other alternative but to move before the Hon'ble court for your act of contempt without any further reference to you, which please note.

Thanks

Yours faithfully,

ADVOCATE

#### MINISTRY OF HOME AFFAIRS

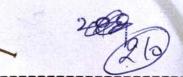


A meeting is being convened by Union Home Minister in his room on 15-01-99 at 12 noon. The following persons will be present in the meeting:

- (i) Col. G.S. Dhillon
- (ii) CoL. Laxmi Sehgal,
- (iii) Dr. Sisir Kumar Bose,
- (iv) Prof. Samar Guha,
- (v) Prof. Madhu Dandavate,
- (vi) Justice (Retd.) R.S. Narula,
- (vii) Shri Somnath Chatterjee,
- (viii) Shri D.B. Kalmankar.
- (ix) Shri Brajesh Mishra, Pr. Secty. to PM,
- (x) Shri Soli Sorabji, Attorney General of India and
- (xi) Shri R.L. Meena, Law Secretary.
- 2. With the approval of Union Home Minister it has been decided that suitable arrangements for travel and stay in Delhi will be made in respect of Col. G.S. Dhillon, Col. Laxmi Sehgal and Prof. Samar Guha as well as others who may seek such support. A lunch will also be hosted by MHA on the occasion. In all it is expected that around 20 to 25 persons would be in the meeting. You are requested to kindly make necessary arrangements accordingly.

(SANGITA GAIROLA)
JOINT SECRETARY (IS-I)
09-01-99.

SHRI YASHWANT RAJ, JS(A)





Sl.No.	Name	Postal Address	Telephone Nos.		Fax No.	Nearesrt contact
			Office	Residence		number
01.	Col.G.S.Dhillon	Dhillon Farms, Hadod,Shivpuri MADHYA PRADESH Pin:473511	-	07492-37333		07492-37327 Tel.No. of his
02.	Col.Laxmi Sehgal	15/241, Civil Lines Kanpur, UP	s, -	0512-311393 0512-310400		0512-292607 Dispensary
03.	Dr.Sisir Kumar Bose	90-Sharat Bose Road Calcutta.700026	d, -	033 <b>-</b> 4754202 033 <b>-</b> 4756727		
04.	Prof. Samar Guha In Boss. Mp - D-I MS Flats a Kharap hish May, Mela Della Prof. Madhu Dandavate	8/2, Central Park, Calcutta. 700032	-	033-4121600	-	
05.	Prof.Madhu Dandavate	3, Meena Bagh, Maulana Azad Road, New Delhi.ll	_	3793585	- 1	
06.	Justice(Retd)R.S.Narula	C-215, Defence Colo New Delhi	ony 3387703	4698582		
07.	Sh.Somnath Chatterjee	21, Ashoka Road, New Delhi	-	3368482	- 1	
08.	Sh.D.B.Kalmankar	Chairman Legislative Govt. 9 karnataka - Ba	Council		225912	
09.	Dr.Bræjesh Mishra	A-22, I.F.S. Co.Ope Housing Society, Mayur Vihar,	erative G	mp 2258578 2259112	723 1136	
		New Delhi.	3013040	2250821	2408(RAX-(0))	3321 RAX(R)
10.	Sh.Soli Sorabji Attorny General of India	128-Niti Bagh, New Delhi	4634003 3383254		2409 RAX(0)	3287 RAX(R)
11.		AB-16,Pandara Road New Delhi	3384777 3382902	3382224	2424 RAX(0)	2542 RAX(R)



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11.	Sh R.L.Meena Law & Secretary	AB-16, Pandara Road New Delhi	3384777 3382902	3382224	2424 RAX(0)	2542 RAX(R)

### SECRET

# MO. VI | 11034 | 18 | 78 -D -111 MINISTRY OF HOME AFFAIRS

A meeting is being convened by Union Home Minister in his room on 24.03.99 at 12 noon. The following persons will be present in the meeting:-

- (i) Col. G.S. Dhillon
- (ii) Col. Laxmi Sehgal
- Dr. Sisir Kumar Bose (iii)
- Prof. Samar Guha (iv)
- Prof. Madhu Dandavate (v)
- (vi) Justice (Retd) R.S. Narula
- (vii) Shri Somnath Chatterjee
- Shri D.B. Kalmankar (viii)
- Shri Brajesh Mishra, Prl. Secy. To PM (ix)
- Shri Soli Sorabji, Attorney General of India and (x)
- Shri R.L. Meena, Law Secretary (xi)
- 2. With the approval of Union Home Minister it has been decided that suitable arrangements for travel and stay in Delhi will be made in respect of Col. G.S. Dhillon, Col. Laxmi Sehgal and Prof. Guha as well as others who may seek such support. A lunch will also be hosted by MHA on the occasion. In all it is expected that around 20 to 25 persons would be in the meeting. requested to kindly make necessary arrangements accordingly.
- 3. T.A./D.A. should have to be paid to non-officials at existing rates. Exact arrangements required in respect of outstation participants would be intimated to Administration Division very shortly.

Langua Gairola) Joint Secretary (IS-I)

12.3.1999

Shri Yashwant Raj, JS(A)

# SECRET/MOST IMMEDIATE OUT TODAY

भारत सरकार
GOVERNMENT OF INDIA
गृह मंत्रालय
MINISTRY OF HOME AFFAIRS



SANGITA GAIROLA JOINT SECRETARY(IS-I) Tel: 301 5736

संयुक्त सचिव JOINT SECRETARY

D.O. No. VI/11034/18/98-D.III

March 12, 1999

Dear Sir,

As you may be aware, the Calcutta High Court in its judgement dated 30<sup>th</sup> April, 1998 on a Writ Petition No.281 of 1998 filed by one Shri Rudra Jyoti Bhattacharjee and Another Vs. Union of India & Others in the form of a public interest litigation has directed that the Central Government shall launch a vigorous enquiry into the disappearance of Netaji Subhas. Chandra Bose. A copy of the judgement is enclosed.

The Government proposes to examine all aspects relating to the nature and mechanism of the new enquiry. Towards this end the Union Home Minister has convened a meeting on 24<sup>th</sup> of March, 1999 at 12.00 P.M. in his Chamber in North Block, Ministry of Home Affairs, New Delhi, to elicit the considered views of eminent opinion makers like you.

I shall, therefore, be grateful, if you kindly make it convenient to attend the meeting.

with regards,

Yours sincerely,

langita Gairola)

Col. G.S. Dhillon, Dhillon Farms, Hadod, Shivapuri, Madhya Pradesh PIN: 473 511



# SECRET/MOST IMMEDIATE **OUT TODAY**



SANGITA GAIROLA JOINT SECRETARY(IS-I)

Tel: 301 5736

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D.O. No. VI/11034/18/98-D.III

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भारत सरकार

**GOVERNMENT OF INDIA** गृह मंत्रालय

MINISTRY OF HOME AFFAIRS

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langita Gairola (Sangita Gairola)

Shri Brajesh Mishra, Principal Secretary to PM, Prime Minister's Office, South Block, New Delhi.

P.B No. 19 12/3

# SECRET/MOST IMMEDIATE **OUT TODAY**

भारत सरकार **GOVERNMENT OF INDIA** गृह मंत्रालय MINISTRY OF HOME AFFAIRS



SANGITA GAIROLA JOINT SECRETARY(IS-I) Tel: 301 5736

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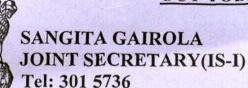
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Yours sincerely,

languta ljavrola (Sangita Gairola)

Defence Secretary,
Ministry of Defence,
New Delhi.



भारत सरकार GOVERNMENT OF INDIA गृह मंत्रालय MINISTRY OF HOME AFFAIRS 210

मत्यमेव जय

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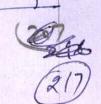
Langita Gairola (Sangita Gairola)

O)c

Shri K. Raghunath, Foreign Secretary, Ministry of External Affairs, New Delhi.

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भारत सरकार
GOVERNMENT OF INDIA
गृह मंत्रालय
MINISTRY OF HOME AFFAIRS





SANGITA GAIROLA JOINT SECRETARY(IS-I) Tel: 301 5736

पत्पयंव जयते

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langita ljavrola (Sangita Gairola)

Shri Soli Sorabji, Attorney General of India, 128, Niti Bagh, New Delhi.

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flangh Control Room.



SANGITA GAIROLA JOINT SECRETARY(IS-I)

Tel: 301 5736

संयुक्त सचिव JOINT SECRETARY

D.O. No. VI/11034/18/98-D.III

GOVERNMENT OF INDIA गृह मंत्रालय MINISTRY OF HOME AFFAIRS



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Yours sincerely,

While out of wat on

Langita Gairola (Sangita Gairola)

Prof. Madhu Dandavate, 3. Meena Bagh, Maulana Azad Road, New Delhi-110 011

Vide D.B. 9/98

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Through feard message

### SECRET/MOST IMMEDIATE **OUT TODAY**

SANGITA GAIROLA JOINT SECRETARY(IS-I)

भारत सरकार **GOVERNMENT OF INDIA** गृह मंत्रालय MINISTRY OF HOME AFFAIRS



संयक्त सचिव JOINT SECRETARY

D.O. No. VI/11034/18/98-D.III

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Tel: 301 5736

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Langita Gairola)

Justice (Retd) R.S. Narula, C-215, Defence Colony, New Delhi.

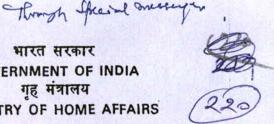
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भारत सरकार **GOVERNMENT OF INDIA** गह मंत्रालय MINISTRY OF HOME AFFAIRS





SANGITA GAIROLA **JOINT SECRETARY(IS-I)** Tel: 301 5736

संयुक्त सचिव JOINT SECRETARY

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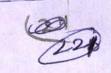
Yours sincerely,

langita Gairola)

Shri Somnath Chatterjee, MP 21, Ashoka Road, New Delhi.

vide P.B.14 No 12/3 Arryl Control Room

भारत सरकार **GOVERNMENT OF INDIA** गृह मंत्रालय





SANGITA GAIROLA JOINT SECRETARY(IS-I) Tel: 301 5736

संयुक्त सचिव JOINT SECRETARY

D.O. No. VI/11034/18/98-D.III

March 12, 1999

MINISTRY OF HOME AFFAIRS

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Shri R.L. Meena, Law Secretary, AB-16, Pandara Road,

New Delhi.

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12/3/99. Room.

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#### SECRET/MOST IMMEDIATE **OUT TODAY**



SANGITA GAIROLA JOINT SECRETARY(IS-I) Tel: 301 5736

**GOVERNMENT OF INDIA** गृह मंत्रालय MINISTRY OF HOME AFFAIRS

भारत सरकार



संयुक्त सचिव JOINT SECRETARY

D.O. No. VI/11034/18/98-D.III

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Langeta Gairola (Sangita Gairola)

Shri P.R. Dasgupta,

Secretary (Education),

Ministry of Human Resource Development,

Secretary (I Ministry of New Delhi.

भारत सरकार GOVERNMENT OF INDIA गृह मंत्रालय MINISTRY OF HOME AFFAIRS

Through Speed Post





SANGITA GAIROLA JOINT SECRETARY(IS-I) Tel: 301 5736

संयुक्त सचिव JOINT SECRETARY

D.O. No. VI/11034/18/98-D.III

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Dear Madam,

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Yours sincerely,

Langita Gairola)

Col. Laxmi Sehgal, 15/241, Civil Lines, Kanpur, Uttar Pradesh.



DO No.VI/11034/18/98-D.III

I <u>Secret</u> Most Immediate गृह मंत्रालय

भारत सरकार

नार्थ ब्लाक, नई दिल्ली-110001 MINISTRY OF HOME AFFAIRS GOVERNMENT OF INDIA NORTH BLOCK, NEW DELHI-110001





Dated, the 12th March, 19989

Dear Sh' Mathur

Union Home Minister has convened an urgent meeting on 24th March, 1999 at 12 P.M. in his chamber, North Block, New Delhi in connection with Calcutta High Court judgement on Writ Petition No.281 filed by one Shri Rudra Jyoti Bhattacharjee against Union of India and Others. The subject area relates to the directions of the Hon'ble High Court for launching a fresh vigorous inquiry into the disappearance of Netaji Subhas Chandra Bose. The slated meeting in the chamber of Union Home Minister is to discuss all aspects relating to the nature and mechanism of the new inquiry and to elicit the considered views of some eminent opinion makers towards this end.

S/Shri Col. G.S. Dhilon, Col. Laxmi Sehgal, Dr. Sisir Kumar Bose, Prof. Samar Guha and D.B. Kalmankar have been invited in this meeting among others. These eminent personalities are from Shivpuri, Kanpur, Calcutta and Bangalore respectively. We need IB's assistance in getting the communications delivered to the addresses of these personalities because of sensitive requirements. However, as mentioned by you, IB may kindly get the letters of Dr. Sisir Kumar Bose, Prof. Samar Guha and Shri D.B. Kalmankar delivered through IB bag. As discussed, we are sending the letters of Col. G.S. Dhilon and Col. Laxmi Sehgal through Speed Post.

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Yours sincerely,

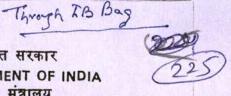
(A.K. PAITANDY)

Shri V.N. Mathur, Joint Director, Intelligence Bureau, North Block, New Delhi.

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(B) Mot. Samer Guha.

भारत सरकार GOVERNMENT OF INDIA गृह मंत्रालय MINISTRY OF HOME AFFAIRS





SANGITA GAIROLA JOINT SECRETARY(IS-I) Tel: 301 5736

संयुक्त सचिव JOINT SECRETARY

D.O. No. VI/11034/18/98-D.III

March 12, 1999

Dear Sir,

As you may be aware, the Calcutta High Court in its judgement dated 30<sup>th</sup> April, 1998 on a Writ Petition No.281 of 1998 filed by one Shri Rudra Jyoti Bhattacharjee and Another Vs. Union of India & Others in the form of a public interest litigation has directed that the Central Government shall launch a vigorous enquiry into the disappearance of Netaji Subhas Chandra Bose. A copy of the judgement is enclosed.

The Government proposes to examine all aspects relating to the nature and mechanism of the new enquiry. Towards this end the Union Home Minister has convened a meeting on 24<sup>th</sup> of March, 1999 at 12.00 P.M. in his Chamber in North Block, Ministry of Home Affairs, New Delhi, to elicit the considered views of eminent opinion makers like you.

I shall, therefore, be grateful, if you kindly make it convenient to attend the meeting.

with regards,

Yours sincerely,

State of the Late of

langita ljairola (Sangita Gairola)

Prof. Samar Guha, 8/2, Central Park, Calcutta-700 032.

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Through IB Bag

#### SECRET/MOST IMMEDIATE **OUT TODAY**



SANGITA GAIROLA JOINT SECRETARY(IS-I) Tel: 301 5736

भारत सरकार **GOVERNMENT OF INDIA** गृह मंत्रालय MINISTRY OF HOME AFFAIRS

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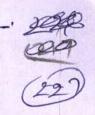
(Sangita Gairola)

Shri D.B. Kalmankar, Chairman, Legislative Council, Govt. of Karnatka, Bangalore:

1351 MM 7.0 , By.
12/20

भारत सरकार GOVERNMENT OF INDIA गृह मंत्रालय MINISTRY OF HOME AFFAIRS

Through IB Bag





SANGITA GAIROLA JOINT SECRETARY(IS-I) Tel: 301 5736

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with regards,

Yours sincerely,

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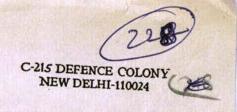
Xangita Gairola)

Dr. Sisir Kumar Bose, 90-Sharat Bose Road, Calcutta-700026

135 M 20 Bon.

15/3

R. S. NARULA Retired Chief Justice PUNJAB & HARYANA HIGH COURT



#### URGENT/SECRET/SPEED POST

M.M./Neta/7333

March 13, 1999

.Sub: Secret meeting on March 24.

Dear Ms Gairola,

I have received through special messenger last evening your "Secret/Most Immediate" D.O. letter No. VI/11034/18/98-D.III dated March 12 asking me to join the secret meeting in question in the chamber of the Hon'ble Home Minister at 12 Noon on Wednesday, the 24th March, 1999. I confirm that I will, God willing, participate in the same.

- Since I have never been to the Hon'ble Minister's chamber (in fact not visited North Block for a long time) and there are lot of security restrictions on visitors, I request you to kindly:
- (i) guide me if I have to enter North Block through Central Gate on the South Block side or any other gate;
- (ii) let me know the Block, Room No. and floor at which the chamber is situated, or if I will be guided and escorted to the same from the desk of the Receptionist;
- (iii) let me know if I can/should park my car in the parking place on the North Block side of the road between North and South Blocks leading to the Rashtrapati Bhawan or at any other place and whether I would need a special "Car Park" label for the purpose.

I hope to report to the concerned Reception between 11.45 and 11.50 A.M.

I will like to have 5 minutes with the Hon'ble Minister either before or after the meeting, if it is convenient to him.

Yours sincerely,

Ms Sangita Gairola, Jt. Secretary (I.S.-I), Ministry of Home Affairs, North Block, New Delhi-110 001.

Tel.: 69-8582, 462-3672 Fax: 463-3527

hecd to day.

463.3527 Pl. make all averangements

with Admn x keep one man

from Is-Dwn/Control Room on

Dis (15-1) Cuty to except all visitors.

5.3.



SANGITA GAIROLA JOINT SECRETARY(IS-I) Tel: 301 5736

D.O. No. VI/11034/18/98-D.III

March 16, 1999

Dear

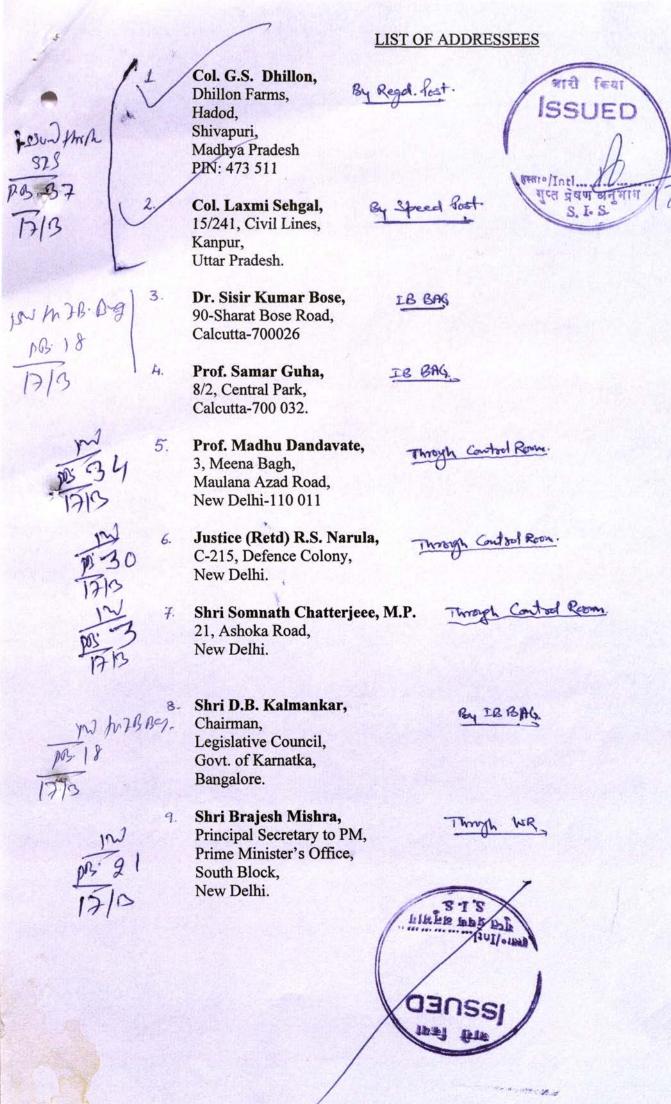
Kindly refer to my D.O. letter of even number dated March 12, 1999 requesting you to kindly attend a meeting on 24<sup>th</sup> of March, 1999 at 12 P.M. in the Chamber of Union Home Minister in North Block, Ministry of Home Affairs, New Delhi.

2. Due to unavoidable reasons this meeting has been **postponed** and will now be held on 25<sup>th</sup> of March at 12 P.M. The venue will remain the same. The inconvenience caused to you is deeply regretted.

Yours sincerely,

(Sangita Gairola)

As per list attached.





135 PA 190

Shri Soli Sorabji,
 Attorney General of India,
 128, Niti Bagh,
 New Delhi.

Through Control Room

11. Shri R.L. Meena, Law Secretary, C-II/49, Shahjahan Road, New Delhi. Through Control Room

31

12. Shri K. Raghunath,
Foreign Secretary,
Ministry of External Affairs,
New Delhi.

Through WR

13 Shri T.R. Prasad,
Defence Secretary,
Ministry of Defence,
New Delhi.

Through WR

/

24. Shri P.R. Dasgupta,
Secretary (Education),
Ministry of Human Resource Development,
New Delhi.

DO No.VI/11034/18/98-D.III Secret Most Immediate



A.K. PAITANDY Director (IS-I)

Tele.No.301 2478

गृह मंत्रालय भारत सरकार नार्थ ब्लाक, नई दिल्ली-110001 MINISTRY OF HOME AFFAIRS **GOVERNMENT OF INDIA** NORTH BLOCK, NEW DELHI-110001

Dated, the 17th March, 1999.

Dear Sn' Mahum,

This has reference to my DO letter dated 12th March, 1999 regarding sending of three letters meant for Dr. Sisir Kumar Bose, Prof. Samar Guha and Shri D.B. Kalmankar, through IB bag for certain urgency in connection with Home Minister's meeting on 24th March, 1999. This meeting will now be held on 25th March, 1999 at 12 P.M. We shall, therefore, be grateful if the new set-of three letters indicating change of date are delivered to the same addresses through IB bag. Kindly do the needful.

him Kindrapay,

Yours sincerely,

Shri V.N. Mathur, Joint Director, Intelligence Bureau, North Block, New Delhi.

jour of w Moree Sealer Cover adress to Dr. Sish kumar Bose.

@ St. D.B. Kalmankar.



#### DO No.VI/11034/18/98-D(III)

SANGITA GAIROLA Joint Secretary (IS-I)

Tele.No.301 5736

Ministry of Home Affairs North Block New Delhi.

Dear Sir,

of

We have received your letter dated 1.3.1999 on 5.3.1999 regarding compliance of Hon'ble Calcutta High Court's directions in Writ Petition No.281 of 1998- Rudra Jyoti Bhattacharyya Versus Union of India and Others. In this regard we would like to mention that the Government has taken note of judgement of the Calcutta High Court in the said Writ Petition and is currently exercising its mind on the nature and mechanism of new inquiry which can be feasible in the circumstances. All aspects need to be very carefully gone into because of the long back-ground and the sensitivity of the issues involved.

With regards,

Yours sincerely,

(SANGITA GAIROLA)

Shri Rudra Jyoti Bhattacharjee, Advocate, High Court of Calcutta, Bar Association Room No.2

Residence:

Flora Park, Goaltuli P.O. & Dist. Hooghly, West Bengal-712103.



SANGITA GAIROLA, JOINT SECRETARY (IS. I),

Tele: 301 5736

Letter Sent through Registers - sucure Speek fost D.O.No.VI/11034/18/98-D(III)

गृह मंत्रालय

भारत सरकार नार्थ ब्लाक, नई दिल्ली-110001 MINISTRY OF HOME AFFAIRS **GOVERNMENT OF INDIA** NORTH BLOCK, NEW DELHI-110001

Dated, the 19th March, 1999

Dear

We received your letter of 1.3.1999 on 5.3.1999 regarding compliance of Hon'ble Calcutta High Court's directions in Writ Petition No. 281 of 1998- Rudra Jyoti Bhattacharjee Versus Union of India and Others.

In this regard we would like to inform you that Government has taken serious note of the judgement of the Hon'ble High Court in the said Writ Petition and is currently deliberating upon the nature and mechanism of a new inquiry which can be feasible in the circumstances. All aspects need to be very carefully gone into because of the long back-ground and the sensitivity of the issues involved.

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Yours sincerely,

(SANGITA GAIROLA)

Shri Rudra Jyoti Bhattacharjee,

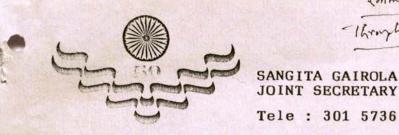
Advocate, High Court of Calcutta, Bar Association Room No. 2 - | Sout through spead Post on 22 w of Month 19)

Residence:

Flora Park, Goaltuli P.O. & Dist. Hooghly, West Bengal-712103.

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SANGITA GAIROLA.

JOINT SECRETARY (IS. I).

Immediale D.O. No. VI/11034/18/9

Through Register Post / Speed Pat 47 HITTH HEADT भारत सरकार

D.O.No.VI/11034/18/98-D(III)

नार्थ ब्लाक, नई दिल्ली-110001 MINISTRY OF HOME AFFAIRS **GOVERNMENT OF INDIA** NORTH BLOCK, NEW DELHI-110001

Dated, the 19th March, 1999

Dear Shi Bhattacharjee,

We received your letter of 1.3.1999 on 5.3.1999 regarding compliance of Hon'ble Calcutta High Court's directions in Writ Petition No. 281 of 1998- Rudra Jyoti Bhattacharjee Versus Union of India and Others.

In this regard we would like to inform you that Government has taken serious note of the judgement of the Hon'ble High Court in the said Writ Petition and is currently deliberating upon the nature and mechanism of a new inquiry which can be feasible in the circumstances. All aspects need to be very carefully gone into because of the long back-ground and the sensitivity of the issues involved.

Regards,

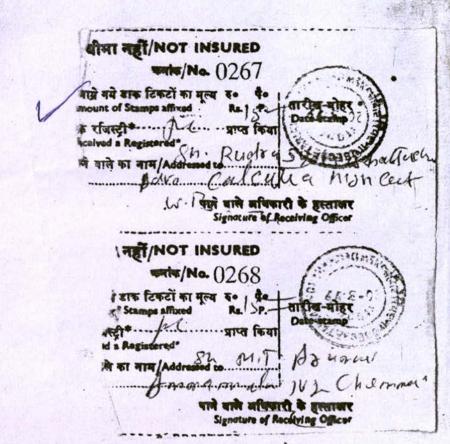
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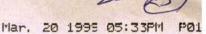
(SANGITA GAIROLA)

Shri Rudra Jyoti Bhattacharjee, Advocate, High Court of Calcutta, Bar Association Room No. 2

Residence:

Flora Park, Goaltuli P.O. & Dist. Hooghly, West Bengal-712103.







2329/01/01/18/ 50

### NETAM RESEARCH-BUREAU

AN INSTITUTE OF HISTORY, POLITICS AND INTERNATIONAL RELATIONS

NETAJI BHAWAN . CALCUTTA

Basudhara 1 90 Swat Bore Pray Calarlla 2.6

Jax 1 033 476 8233

Ms. Sangita Gairola Ministry of Home Affairs North Block New Delhi Fax: 011 301 5750

Dear Ms. Gairola,

I have received your second letter regarding meeting with Honourable Home Minister on Thursday 25th March 1999 at 12 noon which I shall attend.

I shall be arriving in Delhi on <u>Tuesday 23<sup>rd</sup></u> March1999 by the morning flight from <u>Calcutta IC 263</u>. Please arrange to send a vehicle for me to the air-port. My address in Delhi is: C/O Sm. Krishna Bose M.P., D-1 M. S. Flats, Baba Kharag Singh Marg, New Delhi 110001. (371-6818).

Yours sincorely

Dr. Sisir Kumar Bose

Pl. wounge with Admr. to do the needful
Important MAR Continue of the needful
Jayour Start Star

e-mail: nrb@cel.vanl.net.in

1823/01/15/1019 2552/Dix (8-2019) 23/3 238

- Prof Samar Suha

Form.
MEMBER OF PARLIAMENT
Chairman
Privilege Committee
( Lok Sabha )



8/2, CENTRAL PARK CALGUTTA-700 032

> Phone:####### 412-1600

23 March 1999

SPEED POST

Dear Gairolaji,

Thank you for your D.O.Letter, etc. Nos.VI/11034/18/98-D.III dt. 12.3.99 and 16.3.99 regarding Netaji-inquiry meeting.

Due to my serious illness I will not be able to attend the meeting to be held on 25th March 1999 at 12 noon in the chamber of Union Home Ministry.

I will be thankful if you kindly keep me in touch about the outcome of the meeting.

With thanks,

for Basana Puta ( SAMAR GUHA )

PS: I could write in my own hand due to the after effect of my celebral attack. My wife, Mrs. Basana Guha is signing this letter on my behalf.

Mrs. Sangita Gairola Joint Secretary (IS-I) Ministry of Home Affairs North Bloc. New Delhi 110001

> Janjeta Gairola 24.3.99. 3.0(DII)

Lakshmi Sahgal M. B. B. S., D. G. O.

Clinic: 8/193, ARYA NAGAR KANPUR - 208 002

Tel.: 292607

REGISTERED A.D.

15 / 241, CIVIL LINES KANPUR - 208 001

Tel. : 311393

15.3.99

179 15651) 99Smt. Sangita Gairola Joint Secretary (IS-I) Govt. of India Ministry of Home Affairs

New Delhi

Dear Smt. Gairola,

Received your letter of 12.3.99 today. Thanks for the same. Shri Raj Chopra also rang me up regarding the meeting of 24th of March in the ministry of Home Affairs. I regret I shall not be able to attend the meeting as I feel that the matter has been discussed on so many occasions without reaching any meaningful conclusion. My views regarding the death of Netaji Subhash Chandra Bose and the athenticity of his ashes lying in Rankoji Temple in Tokyo are well known. In these days all the scientific advancement and in view of the fact that Netaji's daughter and several of his blood relations being alive, ADN A Test of the ashes should be carried out to put an end to the controversy. I am enclosing a report regarding the last days of Netaji including the accident and the deposit of the ashes in Rankoji Temple. This article has been written by Smt. Bharti Chaudhary, daughter of the late Shri Anand Mohan Sahai who was Cabinet Secretary of the provisional Government of Azad Hind and closed associate of Netaji. I feel the relevant parts of this report should be copied out and circulated among the Judges of Calcutta High Court and also the petitioner Shri Rudra Jyoti Bhattacha-rjee,

Contd: 2

Dr. Lakshmi Sahgal
M. B. B. S., D. G. O.

Clinic: 8/193, ARYA NAGAR KANPUR - 208 002 Tel.: 292607 Residence:
15 / 241, CIVIL LINES
KANPUR - 208 001
Tel.: 311393

- 2 -

Regarding the charges that Netaji had been decla-red a War criminal by the British Government, the charge was withdrawn after independence so the matter does not arise now. As these are my personal views they may be circulated among the committee members. Once more (regret my inability to attend the meeting.

JAI HIND

Yours sincerely,

Dr. (Mrs.) LAKSHMI SAHGAL

Encl: As above:



#### THE LAST FLAN OF NETAJI SUBHAS CHANDRA BOSE

BHARATI CHOUDHRY

(Ex. Lt.Bharati Sahay)

The prologue and last pages of the history of Indian Independence Movement in Japan and South East Asia has been remained plank as, we did not pay attention to study the background of this important factor.

The Secretary General of Azad Hind Government, Late Shri Anand Mohan Sahay, who was Minister for Manpower of the Interim Government, had been the key man and pioneer to start this movement with full swing. A.M.S., in 1921, came to Japan and awakened all the Indians and Japanese Youth to walk the path towards the Liberty of India and whole of Asia. Late Shri Rash Bihari Bose, Toyama Mitsuru, Okawa Shomei, and many other co-fighters joined hands with each other and co-operated A.M.S. in this achievement. A.M.S. had constant touch with Netaji, since 19 | q. They discussed and consulted on the then political situation, whenever they meet. A.M.S. was the private Secretary to Dr. Rajendra Prasad from 1918 to 1921 and Netaji was political desciple of Deshbandhu Chittranjan Das, so they had abundant opportunities to spend time together. Netaji used to get all informations from Sahay about the activities started in Japan and other places in Asia. A.M.S. used to send his confidential men, including his wife Smt. Sati Sahay, Shri Atul Sen, Dr. Gupta, and Khalasis of ships to India, to inform about the Indian Independence League, about the Japanese Corraborations, about



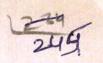
Japanese war policy, about Japanese alliance with the British Govt. and about the diminishing friendship between the two, which was a boon to our Struggle. Shri R.B. Bose also was an ardent Patriot and assisted Sahay in all matters. In 1938, Smt. Sati Sahay was sent to Calcutta to meet Netaji secretely and communicated the message of Sahay, that it is very urgent that Netaji should get out of India and come to Japan to lead the Movement. Mrs. Sahay successfully completed the mission though she had to face lots of harrassments by the British C. I. D. S. She went back to Japan and joined Sahay in the movement. Sahay set up I.I.L. Branch in many important towns and cities in China and South East Asia. At Bangkok conference. It was decided that Netaji Subhas Chandra Bose be brought to Asia by any means to lead the movement. Though Japanese Govt. was very cooperative with the Indians, but they did not like the idea of bringing Netaji to Japan because they were skeptic about Subhas Babu. They preferred Shri R. B. Bose as later was of Japanese nationality and would not go against Japanese Policy. The Indians wanted A.M. Sahay to be the President of All Asia Indian Independence League. A.M.S. humbly declined to accept this offer, saying that R.B. Bose was the Senior most patriot among us and he is just like the elder brother to all of them. R.B. Bose was chosen as the President of I.I.L. of South East Asia. The first I.N.A. which was organized by Gen. Mohan Singh, also came under the jurisdiction of R. B. Bose. The fact that R. B. Bose was underground revolutionary of First World War period and that he is not capable of handling the

mass movement, nor could he feel the pulse of the mass, was very well known both to Bose himself and to Sahay. So, both of them eagerly awaited the arrival of Netaji Subhas Chandra Bose, from Germany.

The Second World War broke out on December Eighth. The Japanese Army overrun large part of South East Asia, which had been under the colonial domination of European power. The Japanese sincerely wished to oust the non-Asians from the Asia with the slogan of "ASIA FOR ASIANS" . the household word for all the Asia-loving people, in those days. With this unflinching and selfless spirit, Japan organized the "The greater Asistic Co-prosperity sphere". They released the great impetus of Nationalism for each and every Asian. Three millions of Indians in South East Asia led other Asian youth in awakening the people of Asia. Singapore fell on 15th August 1942. The large British Indian Army surrendered. The Japanese Agency of Indian connections-"Hikari Kikan" suggested if the Indian prisoners of war would like to join the Indian Freedom Movement and set up an Indian National Army, or if they would like to remain as the prisoners under the Japanese. The Army led by Gen. Mohan Singh joined hands with the Japanese and Indian Independence League members. The first Indian National Army was thus set up. A.M.S. and Capt. Fujiwara was a very good friends. Both of them solved many sided problems of the I.I.L. and I.N.A. and helped them endeavour for the better effect, side by side, while waiting for Netaji's arrival.



After long and perilous voyage by submarines, Netaji and his Private Secretary, Major Hassan arrived at Tokyo, then to Singapore, where A.M. Sahay, Rash Bihari Bose and all the Indians including I.N.A. personnels welcomed them warmly. Rash Bihari Bose entrusted the task of leading the movement to Netaji Subhas Chandra Bose on 4th July. Netaji assumed the Supreme Command of the I.N.A. on 5th July. The slogan 'Chalo Delhi, Delhi Chalo' was first uttured by Netaji while addressing the rally of I.N.A. on 21st October 1943. The Provisional Government of Azad Hind was formed. There was great enthusiasm among all men, women and in children who were eager to be in some use for the struggle for Independence. Netaji and his retinue toured all over South East Asia. A.M. Sahay was sent to several places of importance, such as Indo China, Shanghai, Tokyo, Taihoku and Dairen for negotiations and recruiting manpower and collecting funds. The Japanese Army overran Burma. All the Indian territories taken by the Japanese Army were entrusted to Netaji for administration. Netaji need not depend on Japan for the maintainance of the huge army in the battle fields, due to the unlimited contributions he got from Indians. Netaji left an incredible impression on all who came in contact with him. Gen. Hideki Tojo, Emperor Hirohito and high ranking personnels extended the hands of co-operation. The unfathomable love and affection shown to Netaji by the war time Prime Minister and his people was something unique. Neither Hitler nor Mussolini nor any other Asian leader could have same kind of adoration which Netaji received "Chandora San" was the name Netaji was being called affectionately by Japanese. All the



redits goes to A.M. Sahay who made it a point to explain to Netaji about the sentiments of Japanese people in every way.

In the short period between the years 1943 to 1945. Indian Independence Movement in Asia went to its apex, Indo-Japanese Army crossed the Burmese border and entered into the Indian Territory. The torretial rains made the army retreat, but Azad Hind Fauz would not failed to stop fighting and marching forward. In lack of communication due to the spate in the rivers forced them to perish in the dense jungle. The British forces advanced from the south west direction (by sea) of Burma. Americans were active in Pacific Ocean. The chances of Japanese victory seemed more and more remote. Some of Japanese battalions retreated, but Azad Hind regiments preferred to die on roads linked to Delhi rather than to go back. It was only Indian war against British rule from the onset. Netaji decided to continue the war till India was liberated whatever could be the consequence. Netaji, the supreme Commanderin-Chief of I.N.A. declared "In light, in darkness, in joy and in sorrow, in adversity or in victory, I would always be with my soldiers, with my commorades, with my people". Netaji was reluctant to go back from Rangoon to Bangkok. His heart and his mind always remained with soldiers. In the Front, but he had to retreat with the "Jhansi Ki Rani" regiments to make plan for advance step. "e forsaw the future of Japan. A.M. Sahay was Netaji's best friend since 1918, and very confidential consultant (being expert in Japanese affairs). A.M. Sahay knew the mental tendency and set up of Japanese people since 1922. When Netaji asked him to contact Japanese Government to establish contact with Russian Embassy, Sahay knew that this will not materialise. But as it was Netaji's





order, he proceeded to Japan from Shangai, where he was organizing the Sikh Regiment for Azad Hind Fauz. It was Sahay who told Netaji that Alliance between Russians and Anglo-Americans will be short lived because it is an friendship of convenience at a war time. When Sahay requested the Foreign Minister Shigemitsu and Home Minister Uzawa, to have negotiation with the Russian Ambassador Jacob Malik, they cordially explained to Sahay how it is useless to have such contact. The quest, however, was not given up. The need of 'second front' was urgently felt by the end of the April 1945. Official reference also was made by Netaji to the Japanese Government to contact the Russians on his behalf. Debnath Das, A. M. Sahay's fast friend and desciple was asked to take the message to Tokyo. Unfortunately, the Japanese Government's reply was in negative. The letter said, "Nippon Government deemed it almost without success, to get direct touch with the Soviet Government on behalf of your Excellency, and we are in no position to do so."

Several other plans were considered by Netaji, his men, and Hikari Kikan members and Commander-in-Chief of Japanese Southern Command. First plan was to enter into India and set up an armed revolution inside the country against the British. Second plan was to go to Yenan (Communist China), and third plan was to try again to negotiate with Japanese for Russian connection. The last and ultimate plan was to go underground. A.M. Sahay knew Manchuria politically and geographically. He told them, that Japan's denial is quite understandable, considering the staggering condition of the country. 'Instead', Sahay said, "It is easier to go to Manchuria





and have direct contact with the Russian Army who was approaching into Manchuria'. Netaji asked Sahay to go to Hanoi via Saigon, then plan for the future according to later's own decretion.

A.M. Sahay went to Saigon they managed to enter Hanoi which was under the Chinese Communist Army. Sahay accompanied by other Azad Hind personnels straightly approached Gen. Ho Han, the Commander-in-Chief of the Chinese. Sahay told Gen. Ho Han, we have co to be arrested. The General thought for a while, then said, 'who is your enemy? Chinese? Japanese?, or The Anglo-Americans?' Sahay said, our only enemy is British and his enemy is our friend. The Gen. said, "so, the Chinese are not your enemy? 'No'. Gen. Ho Han smiled and said 'Then, why should I arrest you? You are freemen here in Hanoi". So, Sahay and companions stayed in Hanoi and waited for Netaji and his retinue to come across from Saigon, as pre-planned. If things went well, Netaji and retinue would soon be in Hanoi and all would had gone to Manchuria, to seek the cooperation of Soviet Government alas, all calculations failed. Things happened otherwise.

The barbarious deeds of dropping of Atom Bombs on Hiroshima and Nagasaki has eternally injured the world itself. Emperior Hirohito's heart was broken with the torture unbearable, at the sight of his people's unexplicable agony. The Emperior saidly, but gravely and firmly announced his wish to surrender, "Before the map of Japan is finally erased from the world map". Lakhs of Japane se committed Harakiri in front of the Royal Palace. Japan finally



surrendered on 15th of August 1945. They committed suicide because the Japanese to die than to live in a defeated Japan. We still do not know any other example of such an agonishing defeat in a world history.

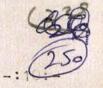
On hearing the tragic news of Japan's surrender. Netaji calmly said, 'So that is that. It was inevitable. But Nippon's surrender is not India's defeat. Our struggle continues'. He preferred to stay in Singapore to be arrested by the Occupation Army together with his soldiers, as their Supreme Commander, But General Bhonsle and C.O.C. of Japanese Southern Command requested repeatedly to go to Saigon, to proceed to Hanoi. The message from Gen. Isoda and Mr. Hachiya (Minister for Indian affairs) were Handed over to Netaji by Sri A. N. Sarkar (A member of Azad Hind Cabinet). Mr. Sarkar told Netaji how they were keen to help Netaji and his people to get away from Malaya and Thailand to evade the arrest by the coming Occupation Army. Out of Malaya certainly, to some territory of Russia or to Russia itself ..... Three days passed in discussing the future plan. The pressing question was that whether I.N.A. should be arrested jointly with the Japanese soldiers, or they should surrender independently. Netaji and his men strongly pressed. "No it has to be an independent surrender, by the Azad Hind Fauz". The concellor of Japanese Embassy in Rangoon, Mr.N. Kitagawa communicated to all the heads of states in Asia that they are informed by the Japanese Govt. to take shelter in Japan. The offer was accepted by Dr. Ba Maw, of Burma, President Laurell of Phillipines, Mr. Chenkun Pan of Nanking Government and Netaji too.



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But Netaji's was just an formal courtsey. He sent a formal message saying, "I and my people are very thankful and very much obliged for Japan's sincere and true cooperation, in our struggle. Our love and respect for Japan is a most truthful and sincere one, too. Our friendship is an eternal one. But, our motto being 'The Independence of India', and this being our primary importance, I decline to hide myself in your country at present. I shall always be with my people whatever may happen."

On the 16th of August 1945, the fiery leader of the struggle for the liberation of Mother India from British hands, went to Bangkok, where Mr. Hachiya received him and delivered a message to him. It said, 'The Govt. and people of Japan are obliged and thankful to your excellency and to the provisional Government of Azad Hind for the cooperation extended for the prosecution of the Second World War". The message continued, "The Japanese Government has decided to surrender. However, the people and Govt. of Japan is too glad to be of any assistance to you, Your Excellency and to your people. The local Authorities in Bangkok can arrange for your flight to Saigon". Field Marshall Tarauchi, Col. Yano and Gen. Isoda knew about the plan of Netaji, as they were fast iriends and co-fighters for Asian Co-prosperity and struggle against British Army in Imphal. They were the best well-wishers of Netaji and would do the best for their Indian friends, even if the Japanese Government would not or could not corraborate with Indian movement due to their own misfortune. I.N.A. men were somewhat agitated. Netaji and his men tried their best to convince them. Netaji told



them, "This is not the end of everythin . Je have plans for future. You have to eliminate the enemy of our country. I told you at the very behest, when you come towards me with full enthusiasm, that you first decide. If you are ready to die you join, but if you have even a bit of hesitation or a hitch, you can go back to your home, but I told you, I do not want you to show your back to the enemy. Did not I told this to you? I told you that I cannot promise anything, I cannot give you anything except sufferings. Even now I do not promise anything, but I want you to sacrifice. So, be arrested by the Britishers, and in this way, we can restart our struggle. Netaji visited our Rani Jhansi Camp. He asked all the girls from Thailand to go home till he calls us again. The girls from Malaya, Singapore, Burma. or any other place were asked to go and live in the hostel of Secred Heant Convent under the protection of the Nuns. Netaji asked me to live with the family of Pt. Raghunath Sharma, the then President of I.I.L. of Thailand. I was keen to live with my friends in the Convent, but Netaji's order was the order. After a few days, I shifted to Punditji's house and lived with them till March 1946.

After much persuation by Gen. Terauchi, Gen. Bhonsle, and by Gen. Isoda, Netaji reluctantly agreed to go to Saigon leaving his soldiers behind. As a result of Gen. Terauchi's decision to fulfil Netaji's wish to go to Manchuria, a plane was reserved for flight to Dairen via Taihoku. Alas, this was the fateful plane which crashed at the Taihoku Airport. The departure from Saigon was fixed on 17th August, early morning. Netaji flew from Bangkok to Saigon, accompanied by Gen. Isoda, Mr. Hachiya, Mr. S. A.





Ayer, Mr. Negishi, Mr. Debnath Das, and Col. Habib-Ur-Rahman. At Saigon they found that there was just two seats. The member of Hikari Kikan were adamant that Netaji must not go anywhere all alone. But the situation was such that it could not be allowed even one person more. Netaji also did not like the idea of flying all alone, leaving his colleagues behind. At last Col. Habib-Ur-Rahman was chosen to accompany him. Netaji asked Gen. Isoda to send all his men the following day to Tokyo, which later promised. The flight had to be delayed for an hour because an Indian informed them to wait, as he has to give a box to Netaji. Netaji and others rushed to the airport as it was getting late. Sending off at the airport was a pathetic scene. Southern Command Personnels and Personnels of Hikari Kikan including Gen. Isoda were somewhat tearful. Nothing in those days was certain. There was suspense in the air. Netaji bid good bye to all and saluted Jai Hind to all his colleagues of Azad Hind Govt. He entered the plane. Gen. Shidei, who was expert on Russian affairs, and was considered as the key man to negotiate with the Russian Government, was waiting in the plane for Netaji. Gen. Shidei offered his own seat to Netaji but the later refused saying its too small for him. The plane took off smoothly from Saigon, in the afternoon of 17th August. The Pilot decided to hault at Touraine, as it was getting too late to reach Taihoku.

At Touraine, plane was checked thoroughly. They stayed the night at Touraine. Next morning, they resumed the flight. After bringing down some of the ammunitions etc. and Netaji's



personal belongings. The Air route in those days was Saigon-Touraine-Heito-Taihoku-Dairen-Tokyo. On landing smoothly at Taihoku everyone got down and walked towards a tent nearby. They had a light lunch of sandwitches and bananas. After a short siesta, they went to the plane. Col. Rahman told Netaji to wear a pullover, but Netaji said he was not feeling cold. Col. Rahman changed into a serge uniform and long boot. The plane was refuelled and Engine was tested by Major Kono and other ground engineers. Capt. Nakamura alias Yamamoto was watching the plane airborne. As soon as the plane made a 'steep ascent', there was a big bang and the plane tilted to the left. In Capt. Nakamura's words, 'I saw something fell from the plane, which I later on found was a propellar. Major Sakai said, he found a part of an engine, buried in the ground." Plane's nose was thrust into the ground. Immediately the plane caught fire. The plane was broken into two.

Col. Habib-ur-Rahman's words.....as soon as the plane crushed on the ground, Netaji turned towards me. I told him, "Age se nikiliye, piche rasta band hai". 'We had to go out through the fire. Netaji jumped down and when I reached him, he was standing like a statue on fire. His face towards the west (India), I laid him down and I too lied beside him. As for myself, my both hands were badly burned and my face too. My knee and forearm was bleeding profusedly. Netaji's head had a cut at the backside, and it was bleeding. I somehow bound the cut with my hand-kerchief. But in spite of my (Col. Rahman has narraled this to Hrs. Sali Sahay and Mr. Rama Marty. I heard all pane my qualter (Sali)



'Aap ko zyada to nahin lagi? I told him, "I feel that will be alright". Netaji said, "I feel that I shall not survive". Then he mumbled these words....."Habib, Jab Aap apne mulk wapas jayenge, to mulk ke Bhaiyon se batana ki Subhas akhir tak bahaduri ke sath, apne mulk ke azadi ke liye tarte rahe, aur bahaduri ke sath mare. Weh Junge Azadi Ko Jari Rakk. Hindustan Zaroor Azad Hoga. Unko Koi Gulam nahin rakh sakta."

Within short time they, alongwith other injured were taken to Nanmon Military Hospital. Gen. Shidei, the mastermind of Russian affairs, died on the spot. The Pilots also died on the spot. Dr. Yoshimi received the patients. He said that Netaji's conditions was most precarious. Dr. Yoshimi found that Netaji was burnt all over the body and the colour of the body was greyish. He could see but he could not open his eyes. It was 3rd degree burn. Netaji asked for water several times in his broken Japanese, 'Mizu...Mizu'. Netaji was conscious in the beginning and occasionally spoke and asked for Major Hasan. Then he said that his men were following. Third time he said 'The blood is rushing to my head.....'

Slowly his life ebbed away. Netaji expired on the night of 18th August 1945. The time of his death varies according to the persons present there.

The great secrecy was maintained by the Japanese. They referred to him as 'Mr. T' as code name.

The poignant scene of the ward where Netaji lay in his eternal sleep had been rescribed by Dr. Yoshimi, who himself broken down while describing. The nurses wept. Col. Habib prayed for long time, tears rolling down his cheeks. Flowers and candles were placed by Netaji's body. A coffin was made of canphor wood. Col. Rahman wanted the body to be flown to Singapore or to Tokyo. But finally, it was decided for the cremation at TAIHOKU. The body was put in the coffin and was laden on the truck. Major Nagamoto and Col. Rahman had seen the face of Netaji in the coffin. It was taken to FORMOSAN GOVT. crematorium and was slid into the furnace by the soldiers. The furnace gate was locked and the key was given to Col. Rahman and Major Nagamote. Next day, that was 21st August, Major Nagamoto and Col. Rahman went to the crematorium at noon and opened the furnace door. They brought out the plate on which the coffin had been put. Major Nagamoto said, "We picked up the bones from all part of the body with a long chop-stick according to Japanese way. We found that skeleton had still retained the shape. The bones and ashes were put into a wooden box which the Major brought. The box was nailed and wrapped with a white cotton cloth. Netaji's name was written in English and Japanese. Col. Rahman carried the urn and both of them went to Nishi Honganji. A special ceremony was performed. Col. Rahman told, "Even after death Netaji maintained his dignity and his magnanomity did not diminish". The urn together with that of Gen. Shidei was handed over to the high priest to keep it with atmost care till it

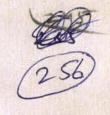


is taken to the right and last resting place. On 5th September, a red-cross place was flying to Tokyo. Lt.Col. Shibuya, the staff officer of Formosan Army decided to send the urn with another box to Tokyo with Col. Rahman. Lt. Col. T. Sakai and Sub. Lt. T. Hayashida. The red-cross plane took flight from Minami aerodrome (the plane crash of 18th was taken place at Matsuyama Aerodrome). The plane flew to Gan-no-su airfield near Fukuoka. Immediately Col. Rahman and Major Nakamiya flew to Tokyo. Others went to Tokyo by a train. All four went to the H.Q. and reported to the duty officer. The urn waskept on a wooden pedestal. All the members of the H.Q. paid respects to the Great Indian departed Soul, by offering incence and flowers. After the ritualistic ceremony, Mr. Ramamurty, the President of I.I.L., Tokyo, was informed. He came in half an hour's time, accompanied by Mr. Ayer, who was visibly moved by the overwhelming emotion. The urn was handed over to Mr. Ayer with befitting ceremonial customs. All of them, first went to Mr. Ramamurty's house, then proceeded to Mrs. Sati Sahay's house in Suginami Ku (my mother and wife of Sri Anand Mohan Sahay).

Mrs. Sati Sahay welcomed them with a most pathetic smile and said, "Netaji, as well as his people are always welcome to Sahay's house. The door of Sahay's house will remain always open for them. She, her son and daughters got busy caring for the heroic sons of Netaji. Tokyo's boys who were present on the occasions helped Mrs. Sahay in everyway. Netaji's holy urn was

(There facts are 2 in Mrs. Sabay's notes also)

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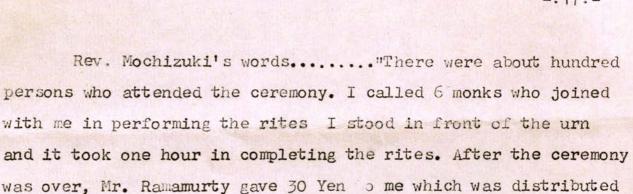


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reverently put on the show case in the drawing room of our Ogikubo house. Incence, Naved and flowers were offered to him everyday. Col. Habib and Mr. Ayer were put up in the room of first floor. Mrs. Sati Sahay called a Japanese doctor secretly for the dressing of Col. Habib's burns.

Mrs. Sati Sahay, one of the herois Indian woman, went to Renko ji temple nearby, accompanied by Mr. Ramamurty, and requested Rev. Mochizuki the high priest to arrange for the Shradh ceremony for Netaji's departed soul. The ceremony was performed on 14th September 1945. All the Tokyo boys, Mrs. Sahay and her children. Mr. Ayer, Japanese Military Officers and Friends, joined the procession. Sumona. my sister wrote down all the names of the lokyo cadets in small pieces of papers and put them in a hat of my father's, and mixed them. She was told to pick one piece of paper from them for a lot. as who is going to have this honour to carry Netaji's urn to the temple. In my sister Sumona's words....."Problem arised when the question of who shall carry the urn of our Netaji. One of the Tokyo boys wrote the names in the pieces of paper and they were put into a hat of Papa (A.M. Sahay). As I was the youngest of all therein, I was asked to pick one of the pieces of paper from the hat. The name of Mayyappan Dada came in the lot." Problem was solved and the Holy urn was carried to the temple in a silent procession.





among the six monks. Silently and sadly all went away. Mrs. Sahay

and Mr. Murty were the last persons to leave the temple.

Mrs. Sahay earnestly requested me to take best care of the great Indian Patriot, till someone from India comes and take him to his motherland. I sat the whole night in vigilance. I was really moved by Mrs. Sahay's earnest and tearful request. I could not even move from beside the urn of Chandora Bosu San'.

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'Man proposes, God Disposes'. How I wish that Netaji could go to Hanoi somehow, and join A.M. Sahay and others so that he could go to Manchuria with his men. I can imagine how restless A.M. Sahay and his friends were, to go to Saigon to join Netaji. How I wished that I could accompany Metaji as his soldier. May be I could bring luck, may be I could give all my remaining years to add to his life. Well, this is just a wistful thinking. Or, he could have gone to Tokyo straight. My mother would surely hide him and his men till the British take hands off Netaji or till India achieve Independence.

Nehruji has saved all the Azad Hind brothers and sisters. So would he do if Netaji survived.

Jai Hind.

( Bharati Choudhry ) Ex. Lt. Bharati Sahay of Rani Jhansi Regiment and Daughter of Late Sri Anand Mohan Sahay.

my suter's phone. 0612 262287 as ress Ms. Sumona Varma P.O. Malle Magar
Bhagalpur - 6. 232, P.P. Colony Portue -1

Hrs. Bharati Chaudhry acha' Tahevare Sadan Purani Sarai Phone. 0641 420410.



D.O.No.1028/99-Adv. 'A'

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द्वारत सरकार

GOVERNMENT OF INDIA

MINISTRY OF LAW & JUSTICE विधि कार्य विभाग

**DEPARTMENT OF LEGAL AFFAIRS** 

SHASTRI BHAVAN, NEW DELHI.

संयुक्त सचिव और विधि सलाहकार MOINT SECRETARY & LEGAL ADVISER

Dear Smt. Gairola,

Kindly refer to your D.O. letter No.VI/11034/18/98-D.III dated March 16, 1999 addressed to Shri R.L. Meena, Law Secretary, regarding the meeting in the chamber of Hon'ble Home Minister on 25th March, 1999 at 12.00 noon.

2. Since Shri R.L. Meena is on official tour to Milano (Italy) from 22nd to 25th March, 1999, the undersigned has been nominated to attend the aforesaid meeting.

With regards,

Yours sincerely,

(B.A. AGRAWAL)

Smt. Sangita Gairola, Joint Secretary (IS-I), Ministry of Home Affairs, North Block, New Delhi.

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# LIST OF PERSONS PRESENT IN THE MEETING TAKEN ON 25.3.99 AT 12 NOON IN THE ROOM OF H.M.



S.No.	Name & Designation	Signature
1.	B. A. Agrawal, JS&LA	MR.
۵.	P. R. DASGUPTA, Education Secretary	lunaroline .
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ce	k. Raghundle, Forige Sandary	Ce.
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# PRESS RELEASE

Netaji's reported death in an aircrash at Taihok'y (Formosa) on 18th August, 1945 has continued to remain a topic of debate. As the news of Netaji's death was not believed to be credible, the Government of India had instituted an enquiry in April 1956 to ascertain the truth. Shri Shah Nawaz Khan conducted this enquiry and held that Netaji had indeed died. This was, however, not accepted by some sections of the people though Government accepted the report.

Following a demand for a fresh enquiry by a number Members of Parliament, the Government of instituted a judicial enquiry in July 1970 under Mr. Justice G.D. Khosla. His finding was similar. But that too did not find universal acceptance though once again the Central Cabinet accepted the finding of the Khosla Commission in August 1974.

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Subsequently, Shri Samar Guha, MP, raised this matter in the Lok Sabha on a few occasions demanding another enquiry. In 1978, Shri Morarji Desai, then Prime

Minister, responded to this stating;

"the majority report of the first Committee and Shri Khosla held the report of the death as true. Since then, reasonable doubts have been cast on the correctness of the conclusions reached in the two reports and various





important contradictions in the testimony of witnesses have been noticed. In the light of those doubts and contradictions and those records, Government finds it difficult to accept that the earlier conclusions are decisive. At the same time, Government feels that no useful purpose would be served by having any further inquiry. I hope that in the light of this statement, my Hon. friend will withdraw his motion"

- 4. Much later arose the question of bringing back Netaji's ashes from Tokyo. While this was under consideration one Shri Rudra Jyoti Bhattacharjee of Calcutta filed a Writ Petition in the Calcutta High Court in April 1998 demanding a fresh enquiry into Netaji's disappearance. The Calcutta High Court disposing of this Writ Petition directed that respondents shall launch a vigorous enquiry in accordance with law by appointing, if necessary, a Commission of Enquiry as a special case for the purpose of giving an end to the controversy;
  - a) whether Netaji Subhas Chandra Bose is dead or alive;
  - b) if he is dead whether he died in the plane crash, as alleged;
  - c) whether the ashes in the Japanese Temple are ashes of Netaji;
  - d) whether he has died in any other manner at any other place and, if so, when and how;
  - e) if he is alive, in respect of his whereabouts".

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- therefore, today convened a meeting to take stock of the situation arising out of the judicial pronouncement. The meeting was attended by Col. G.S. Dhillon, Dr. Sisir Kumar Bose, Justice (Retd) R.S. Narula, Shri D.B. Kalamankar, Shri Brajesh Mishra, Pr. Secy. to PM, Shri Soli Sorabji, Attorney General of India, Home Secretary, Education Secretary, Foreign Secretary, Defence Secretary, Joint Secretary, Legal Affairs and senior officials of the Home Ministry. Col. Laxmi Seghal also sent her written comments.
- 6. During the discussions in this meeting a question was raised whether the British Government had declared Netaji a war criminal. The Union Home Minister told the meeting that in reply to a question raised in Parliament last month, he had replied: "As per information furnished by the Government of Unite Kingdom, the name of Netaji Subhash Chandra Bose was not included in any list of war criminals drawn up by them".
- 7. The consensus during discussions was that to settle the question of Netaji's disappearance a fresh judicial enquiry may be instituted and it was left to the Government to take a decision. The Home Ministry proposes to approach the Cabinet in this behalf shortly.





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White Paper:
mation, transfer of

# NETAJI

#### Memo

- Testimony of Col. Habibur Rahman regarding the plane crash, cremation, transfer of ashes to Japan and finally to Renkoji Temple (Source: Netaji Enquiry Commission 1956 and Government of Japan) plus supporting testimonies (doctor, nurses, medical orderly.)
- Testimony of all survivors of the air-crash now deceased. (Source: Government of Japan and Netaji Enquiry Commission 1956)
- 3. Testimony of Juichi Nakamura, Netaji's interpreter, at the Military Hospital, Taipei.
- 4. Testimony of Dr. Taneoshi Yoshimi who treated Netaji at the Military Hospital, Taipei, given to British interrogators at Stanley Jail, Singapore in January 1946 and live testimony in B.B.C. documentary film "Enemy of Empire" 1995. Dr. Yoshimi is still alive in Japan (A representative of the Government of India may be sent without delay to Japan to obtain a final signed testimony)
- Testimony of two nurses and nursing orderly who nursed Netaji in the Hospital ( Netaji Enquiry Commission 1956 and Government of Japan ).
- Report (dated 18.10.45) of John Figgess, Chief of British Intelligence in Mountbatten's Headquarters who investigated the crash in September 1945.
- Reports of two other groups led by Finney and Davis sent by Government of India to Saigon and Taipei, 1948.
- 8. Report of Harin Shah, Indian journalist who visited Taipei in August 1946, investigated the air-crash and reported on his findings in detail to Government of India. He published his findings in a book "Verdict from Formosa: Gallant End of Netaji" in 1956. (Atma Ram & Sons, Delhi 6) Signed testimony of Mr. Harin Shah may be obtained if he is available.
- Report of S.A. Ayer on his enquiries in Tokyo in 1951 to the Prime Minister dated 26.09.51 and placed in Parliament (Page 103: Annexure 21, Appendix 7 to Parliamentary Debates. Fifth Session, 1952)
- 10. Reports and statements received by the Ministry of External Affairs from the Russian Government through our Embassy in Moscow on the question of any material or reference to Netaji's presence or otherwise in Russian territory after 18<sup>th</sup> August 1945 available in Russian official archives.

- 11. A report of the speech made by Russian historian Verlov (?) at a Netaji birthday meeting in Moscow at the Indian Embassy in 1997 ( to be obtained from the Indian Embassy, Moscow.)
- 12. Mr. S.N. Moitra who was secretary to Netaji Enquiry Commission 1956 may be available in Santiniketan. If necessary, a statement from him on the report of the Commission may be obtained.

# References:

Netaji Enquiry Commission Report, Government of India, New Delhi, 1956.

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Tatsuo Hayashida, Netaji Subhas Chandra Bose - his Great Struggle and Martyrdom, Allied Publishers Pvt. Ltd. New Delhi, 1970 pp. 108-174.

S.A. Ayer, Unto Him A Witness - Thacker & Co. Bombay 1951, pp. 66-117.

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#### Observations :

- 1. For a full decade and a half after 1945 there were disbelief and scepticism about the aircrash in Taipei in all quarters, viz.,
  - a) Political circles in India
  - b) British official circles
  - c) Indian media
  - d) Indian public generally

The following events provided the background for the disbelief and scepticism.

- a) Netaji's successful escape from India in 1941, which was taken to be a big defeat for British Intelligence
- b) A report of his death in an aircrash at the coast of Japan in April 1942 which turned out to be false.
- c) His successful submarine journey from Europe to East Asia in 1943 which was his second escapade to the discomfiture of enemy intelligence.
- 2. Even though the first Netaji Enquiry Commission submitted his report in 1956, Government of India over the last four decades, regardless of the party in power chose not to take the public fully into confidence as to evidence collected about the aircrash. On the other hand there were vociferous claims in certain political circles, by certain members of the Bose family that Netaji was alive, either in the Himalayas or in various monesteries in India, or in China or in Russia.
- 3. As a result nearly for fifty years now the question whether Netaji died in the aircrash or not was a subject of wide speculation by all and sundry. Innumerable theories were put forward in the media or in books and other publications on the basis of hearsay and speculation. A campaign of disulformation to contain for four decades.



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4. In 1995 the then Prime Minister of India took some initiative in the matter of bringing Netaji's part model remains back to India from Japan. He sent the then Minister of External Affairs to Vienna to meet Netaji's wife, since deceased, and daughter and obtained their consent. Netaji's wife and daughter gave their consent to the transfer of ashes. This may be on record in the Ministry of External Affairs. Netaji's daughter Professor Anita Pfaff wrote a letter on the subject to the former Prime Minister Mr.I.K. Gujral shortly before the latter's term ended. The letter may be found in the Prime Minister's office.

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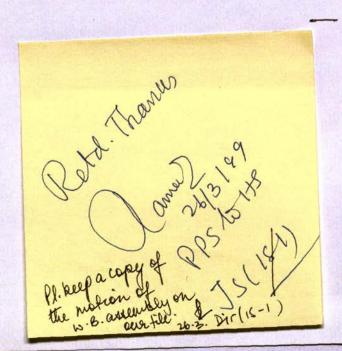
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CONTENTS OF THE MOTION AS ADOPTED BY THE WEST BENGAL LEGISLATIVE ASSEMBLY ON 24,12.98. This House notes, with grave concernthat the people and scholars of India are still in the dark about the mysterious disappearance of Netaji Subhas Chandra Bose during the Second World War; that different statements were made on the floors of Parliament at different times regarding whereabouts of Netaji Subhas Chandra Bose; that the judicial pronouncements of the Supreme Court and High Court in India created more suspicions in the minds of people of India regarding Netaji's alleged death in the plane crash; and that the records and documents in different countries of Europe, America, Far East and South East Asis and also India regarding the mysterious disappearance of Netaji Subhas Chandra Bose after alleged plane crash have not been made available to the people and scholars of India. This House is of the opinionthat the report of the death of Netaji Subhas Chandra Bose on an alleged plane crash has not been proved beyond

doubt; and

that the report of the two Commissions of Enquiry set up by the Government of India are not believed by the people and scholars of India.

This House, therefore, through the State Government demands that the Government of India should make necessary arrangements for availability of records and documents in and outside India so that the scholars and people could have access to them and also to institute a fresh enquiry commission in order to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose.

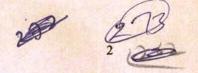


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